

City Council Regular Meeting Transcript – 03/27/2014

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[04:02:04]

>> Mayor Leffingwell: Morning. I'm austin mayor lee leffingwell. We'll begin today with the invocation from pastor ryan rush, bannockburn baptist church. Please rise.

>> Let's pray. Heavenly father, we first thank you for this wonderful rain. I pray for these councilmembers. I ask god today that you give them compassion to speak on behalf of those who have no voice. Lord, give them courage to do what they need to, and father, give them wisdom as they make decisions. We ask this in jesus' name, amen.

>> Mayor Leffingwell: Thank you, pastor. Be seated. A quorum is present so I'll call this meeting. Austin city council meeting to order on thursday, march 27th, 2014. The time is 10:04 a.M. We're meeting in austin city council chambers, 301 west second street, austin, texas. We begin with the changes and corrections to today's agenda. Item number 9 is postponed UNTIL APRIL 10th, 2014. Item 10 is postponed indefinitely. Item 38 add as a second co-sponsor, councilmember kathy tovo. And item 53 note that at its four p.M. Time certain a request to postpone this ITEM UNTIL MAY 22nd, 2014 Will be requested. Our time certain items for today, the briefing on the citywide translation service policy is withdrawn. We will have the briefing on project connect central corridor update. At 12 noon we'll have our citizens communications. At two p.M. Our zoning matters. At four p.M. We'll take up our public hearings. And at 5:30 live music and proclamations. And the musician is atlas mayor. I don't know if that's a typo or. No but I have maior. The consent agenda for today is items 1 through 43 with several items pulled off that consent agenda. Item 30, which will remain on consent, is our appointments and waivers to our boards and commissions. I want to read that into the record. To the austin generation resource planning taskforce, I'll read all the following: Cyrus read is mayor pro tem cole's nominee. Tom smitty smith is councilmember morrison's nominee. Michael osbourne, councilmember riley's nominee. Michelle van hype, councilmember spelman's nominee. And mike sloan, councilmember tovo's nominee. To the owe councilmember martinez?

[04:05:04]

>> Martinez: The reason don't have our nominee on there is we're still trying to finalize that this morning. I wanted to ask the city attorney if it would be appropriate for me to go ahead and announce that and add it to the agenda at this time or wait until the next?

>> Mayor Leffingwell: You can add it right now if you want to.

>> Martinez: Our I don't nominee will be carol bitajoski. Thank you, mayor.

>> Mayor Leffingwell: So add to the list of nominees to the austin generation resource planning taskforce, carol bitajoski is councilmember martinez's nominee. To the commission on seniors, voice locke is councilmember riley's nominee. And to the austin-travis county integral care board of trustees, terri broussard williams is mayor leffingwell's nominee. There are no waivers scheduled for today. The following items are pulled off consent agenda. Item number 4 by councilmember tovo. Item 39 by councilmember riley. Item 40, councilmember riley. Item number 36 is pulled due to speakers and we do have two speakers on the consent agenda. First is gus pena. Both are signed up on a number of items. You have three minutes.

>>

>> morning, mayor, councilmembers, mr. City manager, ms. City attorney. Gus pena, proud native east austinite, proud united states marine corps veteran. I'm just going to speak to numb number 12 and I have to go. We need more housing for homeless women with children. Plus we are seeing an increase in single female veterans who need affordable housing, transitional housing, and we need to increase in the wraparound services for veterans with children, homeless women with children, helping to improve their quality of life. We need to ensure and please listen up to this and listen up very good you candidates, we need to be sure that more funding be funneled to them for assuring self sufficiency, but to ensure that most of the funding goes to direct services and to salaries. We're seeing more people -- I don't see if they get angry at me. Caritas are having more employees on staff paid and you have a lot more people that need services out there and the services are not -- their needs are not being met. I can tell you personally about that horror story. If you want to listen to it, just call me. I'm sure you won't call me because you haven't done it. Anyway, we need to ensure that the female veteran, single head of households with children's needs are met. These are individuals that served our country and our combat veterans s they need help. I especially want to thank judge sam biscoe of the travis county commissioners' court. I've been going to the commissioners' court for 25 years, not just here, and to the school board meeting and to the legislative session. I ain't new to this, but I want to thank judge biscoe for his leadership at the travis county commissioners' court for collaborating with the city of austin and aisd and the legislature to ensure that we help people, but especially women. Women have rights. I've always been a support are of women's rights. My sister lucy, and I'll say this respectfully, 19 60's, it was called women's liberation. And she said gus, lupe, my brother, all my seven brothers, you will help to support women's rights. I'm right there, sister. So I've dawn for many years, I love women and I want you to know that it hurts me to see women, homeless women with children, homeless and their needs not being met. We need to do a better job of helping them, especially the female veterans with children. Thank you. Have a good day.

[04:09:08]

>> Mayor Leffingwell: And the clerk will note if I said item 4 was pulled, it's not item 4:00 it's 34. If I said

that, make that correction. Councilmember tovo.

>> Tovo: I wanted to thank mr. Pena for speaking to this item, but I want to add my thanks to the staff, assistant city manager burt lumbreras and his staff for moving forward on this critical project. We really do need to expand the beds at the women and children's shelter. I know he's made it a high priority to move forward as fast as possible. Our community thanks him. And so do i.

>> Cole: Mayor? I also want to a lot the importance of this item. It was one of the items on our bond package. And just tuesday the travis county commissioners' court actually passed a similar item. So I want to give thanks to the staff for their hard and diligent work to make that happen. Thank you. Am.

>> Mayor Leffingwell: The other speaker we have on the consent agenda is david king. Is david here?

>> Thank you, mayor and councilmembers and mayor pro tem. I almost didn't make it here, mayor, because the traffic is so bad out there. I agree with you completely that that's one of our number one risks. And I appreciate all the good work y'all are trying to try to solve that problem. I echo gus' comments on item number 12 there. And if you're going to use any of that surplus that we have, that would be a good place for that, some of that surplus to be used. I'm speaking now as a representative of anc on item number 36, south by southwest. And I really appreciate councilmember martinez for sponsoring and councilmember riley and tovo for co-sponsoring this item. This is an important item. South by southwest is growing every year and affecting larger and larger part of our community. So I really appreciate this initiative. The anc would respectfully ask that you please direct the city manager to allow one of those

-- allow the president of anc to select a representative to that stakeholder group. I would also like to ask that you require the stakeholder group to follow the open meetings act law so that the public can be involved in that process and see what's going on. And I'd also just like to I think courage that that group address the problem where we're having to pull police officers out of the neighborhoods to take care of the big events like south by southwest. I know that's not what you really want to happen. I know that. But I believe this is an opportunity to try to address that problem. One way we could address that problem is just to make sure that they pay enough fees for these events that -- and that those fees actually go back to a.P.D.

[04:11:54]

>> Mayor Leffingwell: You're aware this item has been pulled off consent?

>> I apologize for that.

>> Mayor Leffingwell: I just let you go because you signed up on a bunch of other consent items. Is 39 and 40 on consent? Are they on consent?

>> Mayor Leffingwell: 39 and 40 have been pulled.

>> I apologize for that, but as long as I'm here, those monies that the fees

-- that are generated be given back to the a.P.D. So they can hire enough officers to cover the neighborhoods and cover these special events. Thank you very much for your consideration.

>> Mayor Leffingwell: Those are all the speakers on consent agenda. A motion to approve? Mayor pro tem so moves. Seconded by councilmember spelman. All in favor say aye? Opposed say no. It passes on a vote of seven to zero. So we now take up item number 34, pulled by councilmember tovo. There are no speakers. Could I ask you to please hold down the conversation as you leave the chambers?

>> Tovo: I'd like to invite someone from our housing staff up to just talk for a few minutes about one of the responses they provided. This item would change the criteria that we currently use for our smart housing, and as I understand your response in our discussions it would change it from being a guideline that staff used in evaluating applications to actually making it a requirement. And in the first answer you provided you talked a little bit about the history of that and just I wonder fire department you might summarize that, the history of that particular requirement and why it is that particular element and why it is a guideline rather than a requirement.

[04:13:56]

>> Sure. Good morning, betsy spencer, director of community housing and neighborhood development. It's my understanding that there was a process

-- originally the requirement

-- I apologize. The requirement was relaxed several years after it had been written in an effort to promote affordable housing. There was

-- we were having a problem with being able to actually incentivize or utilize the smart housing ordinance. And so the guidelines were relaxed, it's my understanding, at the request of a stakeholder process. And the different individuals that have been a part of that. So the department did in fact relax the guidelines to be able to encourage additional affordable housing and utilize smart housing ordinance. And the challenge for us always, and we discussed this a few weeks ago, when it's by ordinance and not by guidance, is that we lose the flexibility. It becomes more difficult for us to be able to offer the flexibility that the program has when we put it in ordinance.

>> Tovo: And you also provided some information about what the timing is like. When you have a development that's proposed that isn't necessarily on a bus line. Can you explain what your interactions are like with capital metro or the housing developer's interaction with capital metro it's my understanding that they will no longer providing a letter that a bus line will come.

>> That is my understanding that they used to be able to provide a letter, but that no longer occurs. So one of the challenges that I see with this potential change is the ability to actually secure the bus line with the accessible route by the time of certificate of occupancy, which would be the requirement. So the two biggest challenges to me is being able to ensure that we get the bus line and the accessible route. To be clear, we do not disagree with the intent of the requirement. My biggest concern actually is the ability to implement and what might be the unintended consequences if we're not able to offer these smart housing incentive. And so it is implementation of the requirement that I am the most concerned about and ability to have enough time to analyze that. So the accessible route is something that we have as a development little or no control over. Nor does the developer. They can ensure that the portion that is on their property will be accessible, but the part in the public right-of-way would require coordination with other entities. So those are just some things that we have concerns about how we would be able to implement those types of activities. Another issue that we are somewhat concerned with, we always use the tax credit properties or projects, but that is not the only properties or projects that could be affected. Timing in the tax credit projects is always a big issue. The nine percent texas crate round is a quick turnaround. Qap is finalized in december. Letters of interest go out in january. Applications, full applications are april. They're all assessed may, june. They're awarded in the

summer. So in that they have got to have a smart housing certification to be able in their budget demonstrate whether or not they are going to have to pay all the fees. If at the end of all that -- the end of the project they were not able to meet those requirements and had to pay all those fees back, I believe that would be of concern. That's not something they budgeted for. And I would also be concerned that we would all be able to turn around that commitment of the accessible bus route within a half mile in time for us to be able to get that certification to them. Those are some of the concerns we have in being able to implement this in such a short time.

[04:17:47]

>> Tovo: And I assume it's a goal to locate our affordable housing along transit routes.

>> Yes, it is.

>> Tovo: That's a consideration that the staff always take into account when their evaluating both developments that are applying for smart housing, but also are coming to us for our approval as they move forward in the tax credit project. So it's

-- I heard you say that you agree with the intent and I would assume as often as possible you make sure that those developments are on a bus line. But as we saw a few weeks ago, there were a couple of developments proposed in areas of town where we have little to none in terms of little to no affordable housing and they're unlikely to have a bus route until they have more. This is my understanding. And maybe you can tell me whether or not that's right. But cap cap is unlikely to extend a bus route there until they have more potential ridership.

>> Yes, ma'am. The other thing about some of those projects, so in the smart housing ordinance it promotes all the different things. So often times what we do is a balance. So the transportation may not be as cancel as we would like it, but it could have a very high opportunity, good schools, job opportunities. There are a lot of different job opportunities that we try to incentivize with the smart housing ordinance. Transportation is just one of many pieces that we look at. Everything that we do we're always trying to balance the location, the opportunities. My concern would be if we limit this so much we will lose opportunities. I don't know that for sure. I haven't had time really to be able to analyze that, but I am concerned of the unintended consequences to where we may lose an opportunity or flexibility that in real estate we often need. Municipalities often are the gaap financing. A lot of the other entities like the tax credits, have a very significant, stringent guidelines and things like that. The flexibility that we often offer is what will make or break a deal.

>> Tovo: I would like to have the answer. I did ask that question about how would it have impacted some of the projects that have come under our smart housing over the last five years and I know you said that was a big question.

[04:19:54]

>> The challenge was the accessible route. What we couldn't go back and do yesterday, we spent a lot of time trying to answer the question. We couldn't go back and verify which ones had the accessible route. We don't have access in that short of time on the sidewalk information. They were google mapping and stuff, but in the amount of time that we had, we couldn't give you an accurate answer to that question.

>> Tovo: And the developer has control over what's on that site, it would be more challenging

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>> we couldn't ask them to do the public right-of-way. It's not their responsibility.

>> Tovo: And in some they do have an accessible route, but it's not necessarily part of the application they provided to the city, the sidewalk, what the sidewalks look like.

>> That is correct.

>> Tovo: Okay. Thank you. How would it

-- can you help me understand how this change would impact or whether it would impact applications that come to us looking for support for tax credit? They have to meet the guidelines of smart housing. Am I correct?

>> Everything that we fund currently meets smart housing requirements per our guidelines.

>> Tovo: So as long as the guidelines stay in place, the developments

-- requirement they be on a bus route, became requirement rather than a guideline, they know that several projects this year would not have been able to go forward without the city's support.

>> That is accurate.

>> Tovo: Am I right in believing that was the 2222 at four points? One of the projects that came

-- one of the developments that came to us I think was in an area

-- was in west austin west of

--

>> I can't speak specifically to one of them.

>> Tovo: The one I recall was in an area of town where again we have very little, if any, affordable housing, and part of the really compelling argument that the housing developer presented was that we have very little housing in that area that is affordably priced, yet there are hundreds of service jobs in that same area, so we know people are traveling to that part of town who need those jobs and would be better off having housing close by that's within their price range.

[04:22:06]

>> Rebecca [indiscernible], director of neighborhood housing and community development. You are correct in what you just stated. One of the developments was around the lakeline area. We can get you the addresses shortly afterwards so that you will have the specific, but I believe there were two.

>> Tovo: Right. I think the other was in the four points area. Thanks very much for that information. I don't know if others have questions. And if so, I'm happy to defer for a few moments, but I would like once we have a motion on the table I would like the sponsor of this item to consider moving away from initiating a code amendment to doing what I've suggested here, and I'll be glad to outline it, but really to exploring this idea first with stakeholders, including cap metro, and really looking carefully at our past smart housing developments as well as the tax credit projects that have come through looking for support. To really assess how many of those really necessary developments wouldn't have been possible had this requirement been in place because I have grave concerns about that. So again, I'll

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>> Mayor Leffingwell: Councilmember riley.

>> Riley: Locating housing near transit was something we made sure was a requirement with the whole

conception of smart housing years ago. And there was a time when we took it very seriously. There were some projects that applied for smart housing approval that did not make the cut because they simply did not have access to transit and the council at that time said no, we really mean it, we want to see affordable housing located near transit and so this does not qualify as smart housing. That time is long gone. There has been in more recent times we have seen items recommended for approval and approved that not only lacked good access to transit, but in fact were no more car dependent locations than Austin is as a whole. Yet we were still saying that that satisfied courthousing requirements, including the transit oriented requirement. And to me the most extreme case in recent memory was just in

-- in the last

-- actually, I think it was the case that we were just talking about on Zimmerman Lane. No, I'm wrong. It was the one on

-- near East Parmer where the project we were measuring access to transit not as the distance it would actually take to walk to a bus stop but the distance a crow would fly from the location to a bus line. And if a crow were to get to that bus line what they would find at that stop is even though it was on the northeast edge of town, that bus line was an eastbound bus stop. So if you were that crow and you were lucky enough to be able to get to the bus line and actually get

-- you can get to the bus stop, it was going the wrong direction. Yet we said that satisfying smart housing requirements. The only walkable route between the housing project and the distance on the ground for someone who actually tried to get there on foot from the housing project to the transit line, they would have found themselves on East Parmer Lane which has 45 miles per hour traffic and no sidewalk. They would be out there and have to go well over half a mile. It was something like

-- it was over two-thirds of a mile just to get to the bus line that was going the wrong direction. So anyway, the point is we have not

-- we have eased up on our transit requirements to the point of making them meaningless. We have not been hearing from Capital Metro, and I'll say this as a board member. The board certainly has not been seeing any requests

-- does the board feel that we could provide service to this area in the future? That has not been going on. I realize that there is a lot of work to do on this before we put any hard and fast requirements in place and I definitely have heard that. So what you see on the dais is a yellow copy that includes some amendments aimed at addressing those concerns. First

-- most importantly in the second be it further resolved

-- in the first be it further resolved paragraph right after we're saying

-- right after the original said the city manager is directed to gather input on the proposed amendment from stakeholders, including the community development commission affordable housing advocates and housing developers, we are proposing to add the

[04:26:55]

following: The code amendment process should include consideration of any potential exceptions or adjustments to the half mile requirement. Staff should present all stakeholder feedback and any alternative recommendations on strengthening the smart housing transit requirement at the same time

as the draft code amendment. So

-- and then the other change I would suggest is just to note, add a whereas paragraph saying that whereas the city is also currently developing the analysis of impediments to fair housing which will analyze austin's impediments to fair housing choice such as access to transportation and walkability and make recommendations on how to resolve those impediments. Very important work that needs to be done to work with housing stakeholders and those engaged in both housing and transit to see what we can do about strengthening our requirements. And I think the most efficient way to go about this is to actually do it in the code amendment process that would allow us to actually strengthen the requirements at the culmination of the process as opposed to going through a whole stakeholder process and then having to initiate a whole another code amendment just to be able to integrate any recommendations coming out of that stakeholder process. So I hear the concerns and I think we need to talk about them and figure out something. I think we can do that in the course of the code amendment process and so I would recommend approval

-- I would move approval of the resolution as reflected in the yellow sheet on the dais.

>> Cole: I'll second.

>> Mayor Leffingwell: Motion by councilmember riley to approve a new resolution as reflected on the yellow sheet. Seconded by mayor pro tem cole. Councilmember riley still initiates a code amendment. Councilmember spelman.

>> Spelman: Betsy, when will you be presenting the consolidated plan?

>> The consolidated plan will come to you august 7th. Well, yes. We will have a draft. It will be available for public comment the month of june. Then since there are no council meetings in july we will bring the consolidated plan and the annual action plan to you august 7th. We need to deliver it to h.U.D. By august 15th.

[04:29:17]

>> Spelman: Okay. The differences between these two proposals is largely in the timeline. Is it reasonable from your point of view to be able to in that stakeholder process discuss the appropriateness of a transit

-- a hard transit requirement and get it in a draft by the 7th? Not necessarily by june, but by august?

>> Um, I have concerns about that timeline. It took us quite awhile to do u.N.O. As you're aware. So I think there's an awful lot of-- a lot of factors that we need to take a look at. There's a lot of data that we need to analyze. We do need to talk to cap metro. We also need to talk to the cap planning office and public works. If we're talking about public improvements to the city's right-of-way, that's a capital planning function and so I think there's a lot of internal and external stakeholders that we need to talk to to figure out what woulding reasonable solutions to the problem. So I'm not sure. I don't really feel comfortable that I can achieve that by august 7.

>> Spelman: Okay. Mayor, would like to ask a question of councilmember riley if you don't mind. Councilmember riley, what's the advantage of having this done by the consolidated plan? Why would that be the right timeline?

>> We are continuing to see projects come before us on a fairly regular basis. Just over the last few meetings we have seen a number of projects in which we've been asked to recommend for approval

how projects

-- as satisfying the smart housing requirements. We've been doing smart housing for years now. It doesn't take long to identify k representatives. We have two of them right here who have not been contacted. We have departments who have been involved in this sort of thing on a regular basis for years. The recommends does

-- the resolution does include a paragraph saying that the city manager is directed to consider alignment of the city's capital improvement funding with this strategy and policy, but that is

-- so that will take some effort. But that is not a new effort. All of these things have been going on for an amount of years and in fact were in place previously. So we are not talking about reinventing the wheel. We're talking about working with city staff who have been doing this for years as well as folks at cap metro. Cap metro and the city have had an ongoing working relationship on exactly this problem, on providing accessible routes to bus stops for a period of years. And it's been very successful. In fact, we have been actively putting more sidewalks in place in coordination with cap metro in the past few years than ever before. So this is not starting anything new. This is merely crystallizing

-- reconvening the folks who have been engaged in this from various perspectives, renewing a conversation about taking transit seriously as we used to and getting

-- and working towards new requirements. If we find that

-- in spite of all the history, everybody involved, as with all these things, if we find that we're not able to put

-- to agree on any requirements by august, then at that point we can always choose to defer it pending further work. But I think it's something to aim for and to keep work going. I think there is some urgency to this since we're talking about new housing units going in, new capital work being done and to satisfy what is a very important need for many austinites. I think we ought to move as quickly as we can.

[04:33:14]

>> Spelman: Thank you, councilmember. Counting up it would be four months between now and AUGUST 2nd. One of the months you have the great benefit of not having us in your hair. So you may be more productive in july than you otherwise would be. It seems getting closure on this issue would probably be a great idea and in order of magnitude less complicated than u.N.O. Which I understood took about a decade. Thanks.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Thank you. I appreciate the conversation because I am also very concerned. So some of the issues are being dealt with, but at one point I wanted to make is the fact that we are

-- we're doing a lot to encourage density along our core transit corridors and we want to make sure that those include some affordability. I bet I'm about to ask a question you can't answer, bettie, but do you know along the core transit corridors what percent of accessible, have accessible sidewalks and routes?

>> I don't have a definitive answer. I have some anecdotal information say at smarm. So we have some issues obviously with sidewalks in south lamar. Do you have any other information? I apologize we haven't had a chance to look at that closely. I know we have gaps in the sidewalk system and that's one of the issues we talked about yesterday was

-- there's been a lot of effort

-- I mean, I know that there's been a tremendous amount of effort to improve the existing sidewalk system, but I believe there's still an awful lot to go. One of my concerns in regards to the qap, the tax credits. We talk about that a lot, but it's included in everything that we do. The qap process is to serve the entire state of texas. So the rules of the qap change every year and we have little to no control over that. So when they come up with those final rules sometimes they benefit austin, sometimes they benefit other communities. So again, one of my concerns is as a qap changes and ebb and flow if we put something that is so concrete that it would prohibit really good projects from receiving the tremendous amount of equity and leverage that financing brings. It concerns me that we're losing large opportunities and those are just things that we have no way of predicting or state is going to go in that qap process. It is an annual process and again it's based on feedback from the entire state of texas, not just the city of austin. So those are other concerns along with the condition of the sidewalks, how quickly we're able to make fully accessible routes in areas that we feel we have there are gaps and some conditions.

[04:35:58]

>> Morrison: And in addition to that, I just want to bring up the four points project that is applying for tax credits. Because that

-- the question was hey, that's way out there. Is that a great place to be putting affordability? And the council supported this six-1 to go ahead and support its its application. For me it was a lot about thinking that the reality is there are people that, driving out there to be able to work in the service industry jobs that are out there because chances are they can't live out there. So it's not a black and white situation all the time. And your answer in the q and a, you mentioned that the cdc is currently doing more comprehensive review of smart.

>> Yes. Our intention was we actually had it scheduled to start? June to connect

-- to start, initiate a comprehensive review of the smart housing ordinance. There's actually a lot of things we would like to take a look at. We feel that the smart housing ordinance isn't enough of an incentive, particularly for private development. So we really wanted to take a look at the ordinance in its entirety. It's been awhile since that occurred. We had hoped to look at parking. That was one of the issues that had been raised to me this last year is some flexibility in parking requirements, just the fee structure, a lot of different things. So that was our intention. We already had it on our annual schedule the housing subcommittee that we would initiate that process in june for the entire ordinance, not just this piece of it.

>> Morrison: I assume that will take awhile because that's

--

>> that was our intention, yes. I would assume that because of the nature of the ordinance.

>> Morrison: Right. I guess one of the issues that raises for me is that if we work the transit side of it in isolation, we're not getting the benefit of being able to balance the different issues and for instance integrate some of the parking elements along with transit and all. Do you have any comment on that?

[04:38:03]

>> Only in the sense that we always prefer to look at it in its entirety. We always hate to isolate it in

parts and pieces t doesn't give us an opportunity to look at the comprehensive sequences.

>> Morrison: Do you think it would be possible if the will was to go forward with this in some way to at least get some kind of report back to council about potential interactions with the other elements of the smart housing ordinance. Because that concerns me too about doing it in isolation. I don't know if that would be possible.

>> We will do our very best.

>> Morrison: You always do, I'm sure. Let's see. And then I have a question about the timing because you state here that in the answer again you did address it, talking about the diverse take holder participation that you would need to address this. And so you would ask that the process be extended through the current fiscal year to ensure timing for stakeholder feedback. So it sounds like you're not comfortable that you would be able to do the job right BY AUGUST 7th.

>> Yes, ma'am.

>> Morrison: And then I wanted to make one comment. That is it's my understanding that in July when the city council gets out of the hair of staff that you guys are not on vacation, you're working on the budget, is that right?

>> Yes, ma'am.

>> Morrison: Yes. It's an extremely busy one. Okay. And then I guess the last question would be what in your mind is the difference

-- we can talk about timing and all of that. What in your mind is the difference between kicking off this resolution with initiating a code amendment versus kicking it off by asking you to develop a recommendation on a code amendment?

[04:40:04]

>> Clearly I would prefer not to have to initiate a code amendment and have the opportunity to review the guidelines and see if we can come up with some reasonable solutions to the problem without having to initiate a code amendment.

>> Mayor Leffingwell: And the code amendment itself just adds an element of formty to it that is more? We're about to have this conversation on number 40 also.

>> I believe, councilmember riley, your intention is for us to do it simultaneously. To be able to have the code amendment process in concert with the code amendment process. My concern would be if the stakeholder process goes one way, the code amendment process might be another, being able to ensure that those come together. Typically we prefer to do the stakeholder process and be able to report to the different entities what the stakeholder process resulted in. I guess that's my answer to that.

>> Mayor Leffingwell: I also have some concerns with this. Smart housing was a great vision when it was first initiated at least 10 years ago, longer than that. It's always been underutilized. The reason it's been under utilized it because the requirements are very strict already. I have great concern about making the requirements more stringent, taking away council flexibility that we have now to adjust these in special situations. Now, I also just heard from you that the seed is going to enter

-- start a review process of the entire ordinance. I think it would be appropriate to hear from them.

Maybe those things could be done together, but I think it's something that should be done very

carefully. And finally, I

-- I think there's a possibility that we could wind up with less affordable housing than we would have right now. We have this sort of unofficial policy of having all types of housing for all types of people in all parts of town. So how are we going to do that? How are we going to reconcile this requirement with that when we don't have the flexibility to make these adjustments. So I'm very concerned about it, and especially with the tight timeline. I don't think I can support the resolution. Councilmember Riley.

[04:42:28]

>> Riley: I would note that in regard to this very tight timeline, what the ordinance does is direct the city manager to gather input to work on aligning the city's capital

-- capital improvement funding with this strategy and policy and then to bring the code amendment to city council in conjunction with the 2014 to 2019 consolidated plan or as soon as possible thereafter. So if we could get it done in conjunction with the consolidated plan, that would be great. If it can't be done that is also acceptable under the terms of the resolution. There are also ongoing conversations about the analysis of impediments to fair housing. That is ongoing. And it is adding impetus to the conversation about transit in the course of those ongoing conversations and adding the urgency to address housing near transit. Just a final note on the big picture problem. Many people across the country are talking about in terms of future housing needs. There have been a lot of discussion the notion that the real problem in the future will be to provide affordable housing in transit friendly locations. What we saw with the downturn is the downturn

-- the economic downturn across the country hit those areas hardest that were car dependent and we see with the trends of housing, especially with younger generations now, is the demand is for more walkable, less car dependent places. So many people are suggesting that we can actually wind up with a glut of housing in car dependent places. The great challenge we will place is providing adequate housing options in those places that are more walkable and adequately served with transit. That is exactly the same problem that we have outlined in our comprehensive plan. That is the great challenge before us is to figure out how to provide adequate housing that is served by transit. Meanwhile, in the course of our regular business as a city, we're in the paradigm of throwing out affordable housing wherever we can find an opportunity. And yes, what we are talking about is shifting gears to be more serious about transit and to work specifically on providing housing in the locations that are well served with transit. Yes, there are some challenges. That can be difficult at times and that is the challenge that people are facing all over the country, but that is the one that we need to tackle and I would suggest that we ought to get about that job sooner rather than later.

[04:44:57]

>> Mayor Leffingwell: Councilmember Martinez.

>> Martinez: As the third co-sponsor of this item, I can clearly see that

-- I think our goals are all aligned. I think affordable housing is not an arguable issue. I think it's the approach that we're taking. Based on the feedback that we're getting and based on council concerns, I want to make a substitute motion to at least postpone this item NUMBER APRIL 10th. We're getting a

lot of emails coming in here at the last minute from affordable housing advocates that are concerned about the impact, concerned about the process. So I'll substitute a motion to postpone it to the april 10th council meeting and hopefully we can get on the same page and move forward with something on that date.

>> Mayor Leffingwell: Substitute motion by councilmember martinez to POSTPONE TO APRIL 10th. Seconded by councilmember morrison. Mayor pro tem.

>> Cole: I would just like to add that we're dealing with on several items today this issue of affordable housing and transit. Councilmember morrison and I have an item and we're also going to discuss item 40. And we all have the same goal of course of affordable housing and how we match that with our other goal of keeping that compatible with transit and recognizing, as councilmember morrison has often pointed out, that it will help with our transit funding. I will be supporting the substitute motion.

>> Tovo: Mayor? I'm happy to support postponing this item and I just want to respond to a couple of things that were said. I don't think we have a problem really in this town of housing, affordable housing being thrown up all over willy-nilly. I mean, the projects that came

-- [laughter] different kind of housing challenge, I think, than what we're facing. And I want to speak for the two projects that have come up a couple of times here today. Councilmember riley, I know you voted against them because they weren't on a preexisting transit line. But the developer, the housing developer that brought those to us spent, I would assume, a considerable amount of time finding areas of town where we don't have affordable housing opportunities for the people who live there, who as councilmember morrison and I both indicated, thought might need it because they work in very close proximity to those areas. I completely agree with what the mayor said. We do need housing for all kinds of people in all parts of town, and the way we're going to get there is by being as flexible as possible in our rules and not throwing up impediments that are going to make it more difficult, if not impossible, to locate housing developments in areas of town where there are none and we know there are jobs that people are holding that can't afford to live in the surrounding communities. So I would like to see when this item comes back to us a slightly different approach. I think it makes sense to offer these as concerns to be discussed by stakeholders. And among the kind of group that our housing staff has suggested, including capital cap metro and talk about ways to improve the process of getting

-- of getting accessible routes if they currently don't exist or better aligning our process with cap metro's process of considering new places for bus stops, but we know from talking with cap metro that they do

-- their process, they need to see the households on the ground before they align those

-- before they'll consider putting a bus route there. So I would suggest to the sponsors that you consider coming forward with a recommendation that would begin that discussion in a focused manner, but not necessarily initiate a code amendment because we have received a lot of concerns. And while I think additional time is helpful, I don't think those concerns will be allayed because it's

-- it's very clear just in the last couple of months that we would have prevented

-- this requirement would have prevented two very important projects from moving forward to apply for state funding. And that is of grave concern to me.

[04:49:01]

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I want to add on just a little bit. I agree with councilmember tovo's comments and I think that one of the things that we're up against here is that we have a lot of goals and values that we're trying to address every which way we can in all the decisions that we make. And it would be my concern that we would head down thinking that this is black and white, this is the only thing ever to consider. And given the fact that cdc is really looking at doing a more comprehensive review of the smart housing, I think that it would be really important if this resolution comes back that we somehow find a way to build the conversation that this one focuses on into the broader context of smart housing because that does bring in different kinds of values. And I'm not sure how exactly that would be done, but it's just really critical that this not be looked at in isolation outside of all the other smart housing goals that we have.

>> Mayor Leffingwell: All in favor of the substitute motion? Councilmember spelman.

>> Spelman: I have a question of councilmember martinez or anybody else who wants to answer it. It seems to me we're really close to both councilmember riley's original resolution and councilmember tovo's suggested amendments or actually very close together. I think the only big difference is on the report back time, which councilmember riley in his revised version has added some flexibility. There's really no inconsistency there. And whether or not there would be the initiation of the code amendment process or simply a discussion which could then be followed by code amendment process. There's no difference in the kind of discussion. Still we

-- I think we all agree we need a stakeholder process that involves housing developers, affordable housing advocates, the cdc, and given that we know we want to initiate a discussion, what will we know two weeks from now that we don't know now? What is the value of postponing action on this item for two weeks?

[04:51:11]

>> Martinez: For me the value is reaching back out to the affordable housing advocates who are raising concerns that we haven't had the opportunity to discuss this with just from the posting date to today. We just

-- from me personally, I've received several emails that raised questions that I just want to hear more about from the advocates.

>> Spelman: Okay. I understand wanting to hear more about it. It seems to me that two weeks from now we're going to be looking at a very similar resolution which may be subtly different, but the big thing that's going to be the same is we'll still be asking if cdc, those housing advocates who have concerns about it and outsidings developers to sit down with our staff and talk about exactly this issue. And the words may be a little bit different and they may have calmed down a little bit over the next couple of weeks, but I think we're still going to be asking them to do the same thing. It seems to me there's not a practical value in delaying on this issue. I'm voting against the amendment. I expect however to lose and I expect we'll be seeing this again in two weeks.

>> Cole: Mayor?

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: As another co-sponsor of the amendment, I would just like to add that actually having an open session, councilmember tovo's amendment will help us with the discussions on how we come back in

two weeks. That's something that we did not have.

>> Mayor Leffingwell: All in favor of the substitute, say aye? Opposed say no. Passes on a vote of five-two with councilmember riley and spelman voting no. We'll now go to our briefing on project connect and before we start I want to say a couple of words and talk about our history of this process. I had the privilege of chairing the transit working group, which was reestablished by campo almost two years ago. So we've worked now almost 18 months to develop a regional high capacity transit system that includes urban rail, commuter rail, lone star rail, bus rapid transit and express buses on express lanes. It includes 14 cities, 25 activity centers. It's been endorsed not only by the city of austin, the city of round rock, city ever hutto and of course san marcos. And a dozen organizations around the region. So after we had developed the regional vision we launched the central corridor study last year, brought in a team of experts that you will hear from today from across the country under the leadership of kyle kehee, the assistance of scott gross. I believe scott is here from the city of austin. And javier aguello from the city of austin. That team has over 40 years of cumulative experience and has conducted 95 transit studies over the country and have lead to about \$20 billion in various transit projects. They've worked on projects in dallas, los angeles, new york, houston, san jose, sacramento, phoenix, salt lake city and atlanta. That's just to name a few. Since april 2013 we've held 117 stakeholder meetings and community events on this project, even had a televised town hall meeting where we called out to approximately 50,000 austinites to participate. Today we'll talk about the progress that has been made and you'll see a proposal for urban rail that connects the austin community college campus at highland mall to the hancock center, the bass concert hall, the u.T. Football stadium, the medical school, the teaching hospital, waterloo park, the capitol complex and the innovation zone, sixth street and the central business district and across lady bird lake and i-35 eastbound down riverside drive. We've done a lot of work and we've of course got a lot more to do to make sure that this system will connect with future corridor studies. We're making great progress, I think. You will be the judge of that today. Because of our great team. Our central corridor advisory group is willing not only to show up at regular meetings, but to take part in regular data digs and also to go out and speak to various groups and provide us with feedback. Also I want to note that the federal transit authority, the organization that authorizes federal money for new start projects like this is, has been fully engaged through the process and recently made the comment that the process used here in austin, used by the transit working group and project connect, is a model for other cities around the world

-- around the country, not around the world, but around the country if they are pursuing federal matching funds. And I think that speaks very well of how well we've conformed their priorities and how good our chances potentially are to obtain those federal matching funds if we can get the local funds. I also want to thank linda wright. I don't know if she's here today. She's played an invaluable role in facilitating this process throughout. And kyle kehee, who I mentioned earlier, is here at the podium and he's going to take us through the briefing.

[04:56:43]

>> Thank you, mayor, councilmembers. Pleasure to be here today. We're going to take a few minutes of your time. I appreciate how valuable your time is and I will go through our process today to be able to present to you our status at this point in time. There we go. I'm going to give you a little background.

The last time we had a chance to get together was in december when you took action on our phase one recommendation. I'll recap that for you to frame the conversation today. And then I'll talk about where we are with the status of our phase two process, which is getting a little bit more definitive and in presenting that project that the mayor represented there. Very briefly, project connect, as the mayor pointed out, has been a very positive addition to the conversation here locally. Over the past few years, the past couple of decades actually, this has been a missing piece to have this overall vision that has identified a path forward for the needs that we have. It is not complete in terms of its funding, but the vision has been established and this is becoming our blueprint for being able to move forward. The central corridor is that aspect of moving forward with one of those next investments that we have. You see the prioritization of the north corridor that capital metro has now rolled out its locally preferred alternative. That has been an ongoing effort. We are a little bit behind on that effort. Our locally preferred alternative will be presented to you. Our work plan has been broken into so major questions, two phases, if you will. The first phase that we talked about is where are we going next with our high capacity transit investment? And we'll recap that in just a moment. As we have moved now to examining a more specific question of how will we get there, the specific alignments and alternatives that we would be moving forward with. Phase 1, as you will recall, was endorsed by the council unanimously about accepting the recommendation to advance the east riverside and highland subcorridors into phase two. We had also included two other important aspects, and that was to identify additional funding for continuing the system planning, that effort of rolling investments, if you will, to begin the planning for the next investments in the next year subcorridors. And specifically to senior what we can do to cultivate the lamar subcorridor in terms of moving it forward into a more high capacity transit element. You may remember the graphic that highlights the highland corridor to the north and the east riverside, connecting that with the core. Of course, the downtown area of the capitol complex and u.T. Representing that core. Moving this recommendation forward into phase two.

[04:59:39]

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>> some of the tickic you

-- topics you were discussing. Those are important aspects that now we are being informed of through this process moving forward. That's not an insignificant factor because one of the key things is we compete for federal dollars is going to be how our policies at the city present opportunities for fta to fund the project moving forward. Very briefly, our phase two process, we are about halfway through this. We began phase two as soon as we wrapped up the phase one in december. And we are targeting a decision on a locally preferred alternative or a project in the june timetable. Our process to get there, we began in december and january by identifying a series of preliminary alternatives and going through a series of screening exercises, which is more qualitative in terms of the questions that we went through. And now we are moving into the definition of the final alternatives that will be scrutinized through a more detailed quantitative evaluation. We will look at specifics on stations. We will wrap it up in the april time-frame and bring forward a recommendation for your consideration and discussion. We have also had along the way, a tremendous amount of public involvement. The mayor mentioned that in the number of meetings. Some of our most recent highlights, we did have a successful workshop at the

acc highland area on february 8th. We had almost 200 people participating. It was a full house in the store front operation we had set up there. We had a tremendous amount of input. We also had an online engagement tool called metro quest. We had about 1100 participants in that and received tremendous information from them. We continue to have these briefings on a weekly basis to various stakeholder groups and other organizations around the city. A couple of keynotes on the public involvement effort. We do have a series of workshops to dig into some of the details we are going to present to you the. We have those scheduled on the 3rd of april. We will be able to use that information and that input to form formulate our recommendation as we move forward. A couple of other things, we will also be utilizing the city's speak up austin tool to be able to reach out to begin some discussions of key consideration, reliability, and how our dedicated guideway, how important is that aspect. But also the mode discussion. We will key those questions up for some discussion on speak up austin. And then also we have a housing works new start forum scheduled for next friday to deal with that interface of housing and affordability and transit and transit dependability. Lots of those factors that come together there. Let me turn our attention just very briefly now to some of the more detailed aspects of phase two. If you will recall from project connect in prior conversations that we have had, there were five regional challenges that were identified in project connect. We called them the four c's and a g. Congestion, core, centers, constraints and growth. Those are the challenges that were identified that we need to address in the system connect effort. As we moved into phase one, we added the s to this equation. The idea that system, especially with the central corridor, all of these investments come together in a center, and we need to be able to function very effectively. So system was very important. Now as we move toward the project implementation and looked at f, the funding aspect becomes important. Aaffordable it is and how we fund it is very important. One thing we have heard, just for your information, is those regional challenges, they become our purposes as we move forward. That helps guide us. Congestion is continues to be the number one consideration, concern, that the public has. Interestingly enough, system becomes number two. They understand all of these things have to work together. So we are seeing that that comes forward. And then I think that reinforces the work that y'all have done with respect to the imagine austin comprehensive planning efforts. They understand the core is the engine. We need to make sure that system operates and we want an alternative to the congestion we are facing today. There's three aspects I want to address with you. Service, mode, and alignments. An alternative basically includes those three aspects. I'm going to briefly present the service and mode and we'll spend a little more time talking about the alignments for your review today. Our service profile is based upon those regional challenges, those purpose statements that identify there on the left of your screen. There are four aspects, reliability, frequency, stop, spacing, and speed. There's some inverse relationships there. The more stops you have, the slower your speed. But then there are independent things. It's a balancing act that you do. Our recommended service profile says medium reliability. Medium to high frequency, medium to high stop spacing and medium to speed. Don't misunderstand us, we're not looking to have mediocrity as our goal. Let me put that on a scale for you. Reliability is very important. And you see a scale

-- we could be in mixed traffic or fully grade separated from traffic. If we're separated, that has a significant cost to it. One of our goals right now is to be mostly dedicated, hence the medium type of reliability. Dedicated guide way means there would be no traffic operating in the same guideway. That's different than metro rapid. We're talking about an exclusive guideway. Frequency, 10 to 15 minute

frequency, which is not unusual. Our stop spacing ranges from one-half to a mile. Closer you're in to your activity centers, you would be at the half mile mark. We may be closer on some of these to make sure we have full coverage in the downtown area. The further out you go we have wider spacing. Speed is a very important aspect too because we want to be competitive with the traveling public on the roadway. This is an average speed that we're looking at as a target that would include the dwell time, the time you spend in the station stopping and unloading. So that's really a quick overview of our service profile. That informs our mode analysis and our alignment analysis. We have given you a screen shot. You can't read anything, but we examine modes all the way from high-speed rail all the way down to. I kind of describe to lining them up and knocking them down. We don't want to leave them out of the picture. So we put all of these modes into the hopper. We took a look at our service profile, which I just walked you through in terms of reliability and frequency, and we examine the appropriateness of these modes to meet that service profile. Coming out of that and not spend a lot of time on it, I apologize, we have screened out all those other modes such as high-speed rail and automated guideway transit and streetcar. We have focused on urban rail and bus rapid transit. Both would be in a dedicated guideway. Our intent is to be able to carry these two alternatives forward in our examination on each of the alignments we will show you and do a side by side comparison of the capacity and ridership and cost associated with each of those modes. So as we turn our attention to the alignment screening. This is where things get interesting and real to us, because we are talking specific streets and talking about the idea of retrofitting those streets or alignments with an urban rail investment. There are eggs to be cracked and addressed as we go forward. We don't have the luxury of having a pre-existing urban rail type of investment here. We have organized our alignment. You will see high land and east riverside. We have organized this into five areas. I'm going to walk us through each of these five areas as briefly as I can, and hopefully it will be as informed as possible. We will come back to your questions as you may have some. And, again, keep in mind that for each of these alignments, we're going to do an apple to apple comparison for urban rail as well as bus rapid transit, dedicated guideway, the station areas that I show you would be the same for both of those modes. And that will be part of our comparison is to see which one of these, how they perform in terms of capacity and people carrying capacity and speeds and other factors. There are three important aspects. I'm going to give you a quick overview of the station stops, then some of the alignments, and let you know that we are continuing to develop our operating plan, which is how frequent would they come, what's our operating day, do we have a 15 or 20 hour operating day. We have met with capital metro to begin that. We are beginning with a minimum and maximum view of stations. The idea is to evaluate whether or not we get additional ridership for the additional stations or if we lose ridership because we're adding more stations, therefore making it a longer trip. We are looking at 12 base locations. Those are the ones highlighted with a white circle. There's four locations I will walk you through that don't have the highlighting that we are still evaluating. I can tell you the one thing we are just learning this week is we are seeing an increase in ridership with the additional stations. That suggests we will probably be moving into the direction of having the 16 stations instead of the 12. I'm going to take this in three segments. The east riverside segment, we have talked a lot about pleasant valley, but we are pushing this further east to grove as being a potential. We are going to examine grove and pleasant valley as a potential terminus station. One of the things we are not talking about today is an opportunity to extend it further east to grove. Some of the land that may be available for an urban rail maintenance facility. A brt manhattan nans facility we could piggy back on

some of the property capital metro has to handle any brt alternative bus needs, but we do need to identify a maintenance facility if we go to urban rail investment route. You will see that we are going to examine stations at grove, pleasant valley, lake shore, travis heights, and south central water front which is at THE TxDOT COMPOUND THEY HAVE There. One of the key things to keep in mind that we are examining on each one of these is the parking provision. And at a terminus station at grove or pleasant valley which is alternative terminus stations, it's our concept right now that we would have a parking facility that would allow the motoring public to be able to come to the end of the line station and be able to jump on to the investment to get into the downtown destinations. You will see also across the river. We're going to spend a little bit of time talking about the river. You see we do have an anchor station at the convention center at fourth. We would have an intermodal connection in the downtown area. Moving further north, we have identified a station at the capital complex, which is in the 11th, 12th street area of the dell medical school complex. The stadium as well at u.T. North. I'm going to come back to each one of these. We are going to get more specific as we continue to zero in on the alignment in just a minute. And as we move further north of the campus we have identified a potential station at hancock. One of the key challenges that we'll talk about in a moment is being able to get under the red line or over the red line. The capital metro red line there. We're looking at a potential alignment along the airport boulevard area. We have a couple of options down airport south and airport north. We will talk about those locations. But as we approach the high land terminus, we are looking at two possible options, one would be serving the red line area on the west or one that would be more directly akin to the I 35 intercept opportunity. We will talk more specifically about it, but with this particular slide, I want to mention that our concept right now is that we would have a connection with the red line at probably hancock or highland, but not both. And the idea is we don't want to duplicate service, but we want to provide that connection. That's an area we have to spend a little more time examining. So I do want to briefly continue to kind of increase our magnification on this project. I'm going to move into a quick overview of some of the alignment considerations that we are seeing as our concept moving forward. Keep in mind that during our process of the developing locally preferred alternative under this alternatives analysis, our level of detail design is about the 2% design rate. So we have a lot of design yet to do, but this does tee up enough concept that we have examined some of the options. I'm going to frame some of those questions for you. We are starting to look at some of the right of way that's available to us. Taking a look at what our guideway requirements are, how we would operate with a center station or side station. We are looking at our grade issues. Are we going to be operating at grade or an elevated structure, or a tunnel or subway-type operation. We're taking a look at driveway access. We are looking at parking and how do we deal with parking, as well as how do we utilize our streets? All of those factors come to mind in what we call a cross section. At the bottom of your page, you will see this for each one of your segments. We are evaluating alignments and take a look at where we feel the best alignment would be for the high capacity transit in the operation of our streets that we are looking at. So beginning again out on the east river side corridor, we have identified a station there at grove as well as pleasant valley and lake shore. This is really a fairly tailor made as we can get. We have a nice, wide median east of i-35. We would convert that median to be able to be a center-running operation. And you see an example of this up above of how we might be able to position that. We would put the stations would be in the center, of course, because that's where the tracks would be. That's the concept that we're looking at along east river side east of i-35. I do want to highlight for you. We have

highlighted some green air

-- arrows. We are taking into consideration, as we talk about that planning segments, you will see these green arrows starting to come up. How and where would we make those connections. This particular arrow is intended to indicate that you can extend this further east to the airport area. Now west of i-35 is a real challenging area. And this goes through travis heights. Again, we have been able to identify that we would be able to place this in the median of river side drive. It does require, given the variable right of way nature of that segment, there may be some very minor acquisition needs that we would have to do some acquisitions, so that's a consideration. That also opens up the question of how do we operate? One of the key things with urban rail that we have talked about is that urban rail has the flexibility of operating in a shared automobile environment. They will do a trade-off analysis and have a lot of input about the right of way acquisitions and some of the operational aspects and relate that and make a decision as we move the project forward. I want to highlight that I believe we can put in an at grade alignment without reducing the traffic lanes out there now. We would have to rebuild

-- in addition to the widening, there are two street crossings in that area that will need to be rebuilt in order to accommodate the investment there. Lady bird lake crossing. This is our challenging area. As I told the mayor many months ago, we're not going to shy away from this question. We have examined over the course of several years, and I'm coming in not having all that benefit, but we have spent a lot of time looking at potential crossings of a high capacity transit investment. We have looked at existing bridges, new crossings west and east of waller creek. I'm going to walk us through each one of these so you have a background as to what we have examined and what our recommendation is moving forward. So with respect to

-- we have labeled these for you on the prior slide. You may want to flip back if your packet. We have looked at preliminary alternatives for existing structures. And we looked at first and congress as well as the i-35 frontage roads. This is where essentially we would be trading automobile capacity for high transit. We took a look at the traffic flows in that area and how important those lifelines are for the motoring public to keep here and we felt that was unacceptable. It would create some reliability challenges for us because we deal with being able to get to and from those important avenues. We also highlighted for the congress bridge, the challenge of being able to work with the bat population. That does create a significant challenge for us, even though it may be feasible to retrofit the congress avenue bridge, we do deal with some significant potential fallout with the bats after construction is finished. That was a factor that we considered. New crossing west of waller creek. We examined brazos as well as trinity. We did have a more route that would turn us on to cesar chavez. You are going to hear us talk about cesar chavez. That becomes a real challenge for us. We do have a big impact on traffic in that area. And we ended up on the south shore, we ended up with the impact on statesman. We did reconsider that during our analysis. Trinity, you're going to hear me talk about that. That's the one that actually made it through our screening process. I'll come back to the trinity crossing there which was the yellow line on your right. Now we also looked at some new crossings east of waller creek. We were informed by the public on some of these alignments. We were asked to examine going through the rainy district on rainy and east. We were asked to take a look at something even further east of i-35, comal and waller. And we looked at those alternatives as well as the one I skipped over, red river, which is the angled one, your left-most blue line. We were challenged in this with narrow right of way. As you know from driving on some of these streets, they are extremely challenging for even a single lane of high

capacity transit. Would have a big significant impact upon those neighborhoods. And so we were very uncomfortable with that. One of the key things we examined were if we moved to waller or comal, we start to lose that system connectivity. And we miss a lot of the opportunities that are created over on the west river side area. So we essentially screened out those blue lines as the summary statement. I do want to spend just a minute talking about

-- so emerging from the bridge crossing was trinity. There are three alternatives we are going to examine as part of our continuing analysis. We are going to look at a bridge option. We're going to look at what we're calling a short tunnel and a long tunnel. We're going to also give you some common limits of river side all the way up to 15th so that you get a comparison of the order of magnitude costs that might be associated with those three alternatives. And you'll see them summarized here and on our additional slides. If we're in an urban rail technology, a range of 175 million from a bridge all the way up to a long tunnel. And we'll break that for you. Brt is a little less, not significantly less, but a little less because of some of the requirements there. You will see there's a range of 150 to 430. But more specifically, this will allow you to put that into context. We have looked at a potential bridge crossing that would go from the south central water front station on river side to the fourth street station on the north side.

[05:25:52]

>> We are challenged with this assignment with some important interfaces, and you see them listed here. We are talking about the waller creek outfall area. The boat house that is there. The four seasons, which is adjacent to the alignment on trinity. TxDOT ON THE SOUTH, AND THE Statesman. Even though there are those challenges, this is a great opportunity for a signature structure. And we have taken that into account in our estimate. We have illustrated for you a light rail bridge that is being constructed, it's nearly constructed in portland, just to give you an idea of a signature bridge that might be considered in this area. Looking at this from a profile standpoint, essentially the dash lines is the existing ground profile. If you're standing at i-35 and looking toward this area, the trinity alignment, this is the profile. And you'll see that if you follow the yellow line, that the bridge profile would go over lady bird lake and we would be at grade all the way up to 15th. So you would have four at-grade stations from river side, fourth, twelve, and fifteenth. What we have highlighted for your information, river side to 15th would be \$175 million and 100 million for the additional at grade improvements. Brt would be a little less in this area. Actually significantly less than some of the other areas. I want you to keep in mind that 175. There's two other aspects that I want to present to you today. We have been encouraged to going below lady bird lake. We have started that conversation to examine this. By no means is it cheap, but it is cheaper if you consider the geology that is there. The opportunities by going under is we start to avoid some of those interface challenges that I mentioned previously with the bridge. And, so, with a short tunnel, we're going to talk about and I'll show you the profile in a minute, we do avoid the waller creek boat house but we come back up to grade for an at-grade station at first. This is a short tunnel and the intent is to just get under the lake. And it takes us back. We still have four at-grade stations. The difference here, we're talking about a total cost of \$240 million as opposed to \$175 million. Now I want to compare this to a longer tunnel. We looked at essentially the profile. We asked our engineers to look at this and said where would you like to come back up to grade? And if you look at that land profile, it kind of comes really high, but up at 15th street we have a big dip and it comes back down. They said

that's the sweet spot. We would like to get to that point. From a tunneling perspective that's the best way of making daylight again. Associated with that longer tunnel is an associated higher cost. Instead of 240 million for the short tunnel. The big difference here is that this would open up the opportunity for two below-grade stations, underground stations. So, the challenge that we have in looking at these three alternatives is to compare the costs with the benefits. And we'll be examining -- are we getting any additional ridership. And we will be bringing that information in may for you to wrestle with. As we move forward into the downtown area, after let's say we're not in a tunnel, we are at grade. With trinity street, we did consider the idea of a two-way couplet on san jacinto and trinity. We have since screened out san jacinto in that respect. The grades on that, we are already approaching on trinity the maximum grades. That's about 7% to 8%. But on san jacinto, we actually exceed 10%. So that becomes a very challenging and nearly impossible for us. But each one of these, we are looking at driveways or parking garage access, service road access and whatnot. You do see we start to change what is out there in terms of parking and through-lane traffic on this area. But one concept that we have developed that we're still working on is having two northbound lanes and a southbound service access so we're able to maintain access to all the buildings on either side of trinity moving forward. North of downtown, we have had a lot of coordination with the university of texas. We have had several meetings to discuss how their master planning efforts took into account urban rail. They have considered urban rail in their master planning efforts. In fact, they have identified san jacinto as their preference for us to be able to move through their campus. We actually took a step back and we went back and looked at this on our own independent review. We looked at it from the drag to speedway to red river and deadman. We looked at it and feel comfortable with their suggestion of san jacinto. Under their master plan, that street will change in terms of character. It will become more of a pedestrian and transit model. The parking there now will be gone and shifted elsewhere. We have some flood plane investigation to do with waller creek, but the biggest challenge for us will be on game day and dealing with the crowd control, but we believe we can address that. One concept is we may have turnback service. We operate north and south but don't go through at peak periods of that game day operation. But that's a very limited time and seven or eight times a year, max, that we would have to address that. North of the stadium at 23rd is a very important intercept point because that's where the u.T. Shuttles congregate. That's where their transit center is. It's also the east/west pedestrian mall that the u.T. Master plan has established as well. We are also considering a station, what we're calling u.T. North at this point. This would be near the engineering school. And this has been reinforced to us by representatives and university as being a very important stop for them. You will see that we have that highlighted as an optional stop. We were encouraged to make that a dedicated stop. We have continued to examine that from a ridership standpoint and we believe that is an important stop. We have a pretty sharp corner up there at san jacinto and dean keaton. They have indicated a willingness to work with us to flatten that curve. We would turn east on to dean keaton and north on to medical arts as a shortcut to get to red river. We are proposing a station at st. David's as well, so we are continuing to move that design effort forward. Then we enter into red river. This is probably similar to the travis heights area on river side, this is one of our more challenging areas. We have a very narrow right of way, approximately 70 feet is what we require and there's some areas where it's less than that. This is an area where we need to be able to consider operational adjustments. We may use a shared operation, or we may want to reduce traffic or consider right of way acquisitions if necessary. This is an area that we'll spend a little

more time focusing our definition of alternatives on. As we approach 41st and the hancock center, we have two options that we are looking at right now. The first one would turn east on 41st, go around the wendy's and work our way to get under the red line. So very busy slide. And I apologize for that, but there's a lot of things happening. You see some of the planned interchange improvements being considered and the potential connection. The green connection that we could extend out to miller. But the opportunity here is to interface with the hancock center. And we're examining where is the best place to have that interface? We heard from capital metro in our working session yesterday that this is a very important connection point for them. It would be a new connection point for bus service. We have some opportunities there to create more of a transit center operation. The second alternative that we're looking at instead of working our way around hancock would be to have a short tunnel going straight under red river to go under the red line. That's represented by the green dashed line. That red river/hancock center represents some real challenges for us to get to. I will highlight as I mentioned earlier in the presentation, this is the one area where we want to get under the red line. We do not want to have an at-grade crossing. That opens up the federal railroad administration to our project. It creates all sorts of interface problems. We are looking at the most cost-effective way to go under the red line and come up to grade. The idea is that we would come back up to grade in the airport boulevard right of way area. And we have some options there where we could be along the eastern edge of airport. We could be in the median, we could be on the west side. There's a lot of coordination with the study that's going on on airport boulevard. Moving further north you will see that airport north, airport south. You see 51st as a potential area it was suggested we consider the i-35 frontage road and maybe looking at putting an aerial structure. We have had conversations with THE TxDOT TEAM AND BEEN Informed to some of the real challenging right of way issues that they have. We are aware that the public has expressed a very significant statement about being opposed to additional elevated structures in the area as well. Given that input and the unavailability of right of way, we have dropped the airport -- excuse me, the i-35 elevated structure as an option. And then this brings us to the end of the line. Temporary terminus, perhaps. We are looking at two potential options for our terminus station. As I mentioned earlier, this would be an option to have a stop at high land or a stop over at what we're calling middle fiskville. This is an issue where we are looking at not duplicating service on the red line. We believe that a single point of interface is appropriate at highland or hancock, but not necessarily both. This is an area where we're looking at operational opportunities that capital metro has. The advantage that we see with middle fistville and how well those exits work, it is a great opportunity to provide an intercept. We could have a larger park and ride lot that would allow them to easily jump on the high capacity transit investment and get to the many destinations along the route. And very briefly, I'm near the end of my briefing, is that we are continuing to examine all of the other connections. And remember how important I said system is? This can't be done in an isolated fashion. We are looking at how do we improve the connections with the red line, both in the downtown area as well as further north. How do we deal with lone star and those kinds of improvements? We have actually recommended thereby some additional examination of an east/west from the guadalupe, lavaca area, all the way to the red line and the urban rail corridor. I think there's some planning that we need to do on that as well. I only have three or four more slides. This is where we are right now with the definition of our final alternatives. We are now beginning to develop our evaluation approach. As I mentioned earlier, there's two areas that really do stand out and will be the focus of our efforts. This is lady bird

lake crossing to downtown, as well as the hancock to highland area we just walked through. As we begin to do the evaluation, this is where we also start to introduce some of the important criteria that we will be asked to consider to be successful in the fta new starts environment. So I have highlighted by asterisking some of the factors that are we are starting to introduce ahead of time in our evaluation that will put us ahead of any application that we would be making to fta. Keep in mind application won't occur for a couple of years, but we want to bring their thoughts and considerations into our evaluation process earlier rather than later. So you will see some basic characteristics as well as some of the socioeconomic characteristics. I will add transit dependent populations and affordable housing communities are important because we get extra credit for our projects. We also start looking at the benefits, the ridership. We're going to look at travel times. So we have identified basically end of line to a common point at 4th. We're going to look at the travel times, because travel times is a very important aspect of our competitiveness. We will also look at our cost effectiveness and that is taking a look at how many riders we are getting for cost. You see some of those factors. Economic development as it was in phase one continues to be an important consideration for us. We'll take a look at any differences between the two mode alternatives. Is there any benefit over the urban rail than the brt. And system connectivity. How well do each of these systems connect? Even though we are not in the process yet, which will be next year, we are bringing forward some of those considerations. As we cross lady bird lake, there's a number of issues we have to address. You will see some of these become very important local issues that we need to make sure we are aware of and address in our short time-frame. And then we do have a final kind of an fta competitiveness. We will be evaluated each of these alternatives and the segments with respect to how well we would compete against the fta criteria. The last slide of the day for me, is I want you to understand where we're going. You will see a number of the things we have in front of us for the next four months. I won't go through every one of these items, but I will -- april is still a working effort for us. We start to pull together our evaluation approach, wrap up our evaluation results, and we start to present that to our advisory group to you as well as members of the capital board. In early may is when we would come forward with a draft recommendation for your consideration. This would be from highland to pleasant valley and grove. We will be bringing forward to you in early may our conceptual funding in government approach as we move this conversation forward. Then in mid may, I believe it's the 16th, we have another meeting with our advisory group which will specifically focus on the project. It may be that we are not ready to pay for the entire project. So we will come with some phasing options for consideration. Right after that, though, is when we would tee up a longer discussion leading to action in june. I want to highlight on your right side of this slide here, though. Here we are on the 27th of march with the briefing. We are scheduled to be back in front of you in may after we have completed a lot of these efforts, so we will have those costs and those benefits and the phasing available for your evaluation consideration then. We are also evaluating and I have recommended and I know staff and everyone is wanting to move far ward with a special one-topic special session with you prior to taking action on the 26th. We'll continue to work that out and see if that's something we can schedule, so it's a little bit of a three-step dance before we get to the action. That's kind of how we get there. And it's a challenge, but with your good input, we are getting that very quickly, so, mayor, I'm finished with my presentation.

[05:45:10]

[One moment please for change in captioners]

>> I'll give you a quick example, the i-35 connection. Actually, if you look at who might actually be able to drive in terms of drive access to the i-35 station, is much broader than just right there at 2222. So we actually grow it a little further. Same thing with grove. If we have a park and ride at grove, we actually be able to extend the drive access, as well as transit access to those locations. So I think it does become a little bit larger than the geography that you see on the printed page, but I think that's a challenge that we have to be able to print. And through our analysis we can provide some of that additional information to understand where people are coming from to utilize this service.

>> Cole: So are we making an argument that urban rail is actually going to help in the process of alleviating traffic on 35?

>> It's an opportunity. I would view it more as not a solution, but more as an alternative. Basically those people who are stuck in congestion on i-35 that are heading to some of the destinations that he would be going to, this would be a very viable alternative for them to divert on to this investment.

[05:47:24]

>> Mayor Leffingwell: If I could interject just a bit. What we're looking at here today is only one thing that's going on. Several things are going on. Simultaneous with the central corridor advisory group there's a north corridor advisory group that's actually been meeting longer than we have now and their primary concern is i-35. And that's what they're dealing with from round rock down into austin and alternatives to that route with certain

-- none of those options concern rail at this point in time. They concern buses and potentially other solutions down the road on i-35 such as design corrections such as potentially a managed lane. But also already started, in fact, a good way through the project is the part on mopac, which will provide a managed lane which enables express buses to be express. So yes, when we talk about project connect, we're going to be talking about the whole package. What we're talking about right here at council, the council's main focus initially is going to be on phase one of urban rail. But yes, it definitely has to be a full system, a regional plan when we go out and talk to the public, otherwise I don't think it has much of a chance to pass.

>> Cole: And we are talking to the public about a regional plan. I was trying to emphasize that fact.

>> Mayor Leffingwell: Yes.

>> Cole: You talk about the interface with the red line at highland mall and hancock and you said not both. Can you tell me why that was?

>> Well, the one thing we don't want to do is duplicate that service. So we want to make sure that we provide intercept opportunities. Let me give you an example. If you're coming in from leander on the red line and there's a stop on urban rail at highland, then jump on. But if you have a stop at highland and at happen rock you're essentially providing two stops to perform one function. So our thought is to provide that single point of transfer as opposed to a dual point of transfer. So we're just trying to be as efficient as we can with our operating plan and not duplicate some of the same service that folks on the red line might experience.

[05:49:49]

>> Cole: And I guess you're considering ridership at the same time.

>> Absolutely.

>> You went through an analysis with the crossing of lady bird lake. And I think that you said that trinity was the route that you considered the most viable. I wanted to understand were you saying that not only [indiscernible] were too small, but rainey and east avenue were also too small.

>> You are correct. We looked at those, say, waller and comal. We looked at two way movements on them. At rainey and east we even looked at one way, but we were very uncomfortable with the very narrow rights of way that we had. We also had some limitations, and I don't have it up here, I'm sorry, but the idea is that we actually had some challenges to be able to come down red river and be able to cross. We run into a lot of developments that are already in place that we would have to wrestle with. But the biggest issue there was the limited right-of-way that we had.

>> Cole: Okay. Because there was lots of discussions about those potential routes, so we know that the trinity line is the only viable one.

>> Right.

>> Cole: I wanted to ask you when we will know the difference between the ridership estimates between the bridge and the short tunnel versus the long tunnel.

>> We will tee that up for may. We are in the process of developing all of those buses, how the buses would interface at the stations given the tunnel and bridge alternativng. We'll be generating that in the may time frame.

>> Cole: I was not clear on san jacinto versus trinity street at grade alternative information you gave. I thought you said the university preferred san jacinto and then at the same time I thought that you had decided that trinity was the best route.

[05:52:01]

>> If you recall just as you were approaching the southern end of the campus, actually trinity and san jacinto come together as you enter into the campus area. And so what we are talking about is south of the campus in downtown area if you remember there's a ridge that runs along sixth and seventh. That ridge is much more steep along san jacinto than it is on trinity. We were hitting 10 percent grades, which exceeds our design criteria on san jacinto. We're at seven or eight percent on trinity. So it was much more acceptable. So in a downtown area

-- not on the campus area, but in the downtown area is where we screened out san jacinto.

>> Cole: So that's a different location. Thank you, mayor.

>> Martinez: Kyle, just thank you. You're doing double duty on this because you have to go to cap metro's board and then you have to go to the transit working group, triple duty, and then come to us in addition to making sure that all the stakeholders are keeping well informed. So with that being said, thank you for all the work you've done in getting us to this point. I realize that it's taken a tremendous amount of effort from a lot of folks and I just want to express my thanks for that. There are a couple of specific kind of in the weeds type questions. Don't expect to you have the answers, but these are just thoughts that come up when we go through the proposal. When we talk about the pleasant valley-grove

boulevard terminus, just intuitively from a commuter perspective, are we evaluating the trips per day count if we were to extend that to a more heavily traveled corridor like ben white and riverside and create the terminus where we would potentially pick up many, many more commuters coming in to town and not parking their car at that point and catching the rail line into town? Are we studying that as a potential weighing out cost versus increased rider ship?

[05:54:09]

>> We're not specifically studying that at this point in time. It's certainly something that we can include in our consideration. We are going to see some indicators from our ridership forecasting efforts of how well does an end of line station at grove do. And it may be with some of the improvements over there that we'll be able to see people in their trip-making characteristics are able to divert, get off at ben white, jump on to a park and ride at grove and move forward. So we'll have some indicators that would give us an idea as to whether or not that's an extension we might want to consider. Right now our thinking is just going as far as defining a project, though, just to grove.

>> Martinez: Okay. I appreciate that. That's one of the things that pops out for me. I don't see why a commuter wouldn't drive out to grove from ben white if we provided that facility. I just think intuitively you would get exponentially more folks seeing the terminus from ben white and choosing to use that as an alternative route into downtown. When you talk about going over lady bird lake we talk about the 175-million-dollar price tag. And that's just an estimate for the bridge to get across the lake. But you mention the boat house. Is that cost of replacing the boat house in the 175 million?

>> No. And in fact, that would be something that we would include in our overall cost estimate. Its 175 to clarify the bridge from short shore is 75, but the additional at-grade improvements to get us all the way from riverside to 15th is 175. But it certainly would be a cost that we would add in to our total cost estimate as we move forward. Right now you're just seeing the costs, rough order of magnitude of the structure or the tunnel.

>> Martinez: Do we recall what the cost of the boat house was in relation to our bond package?

>> I've heard an estimate between three and four million, but there might be a more accurate cost.

[05:56:12]

>> Martinez: So then moving north, when we get to the

-- I appreciate your comments as it relates to airport boulevard because we are hearing from folks saying it's duplicious to put this potential line in alignment with the red line because we already exist -- we already serve existing high capacity transit. And when we look at this we see that there clearly is a substantial difference. The red line is a commuter line. There are no stops between highland and mlk station. This would create three additional stops, possibly four if we put one at hancock somewhere, in that corridor. So we're not viewing this as duplicating services in that corridor. This would be a completely different alternative.

>> That is correct. And actually, your question brings to mind that we still have to have an operational discussion with capital metro. We haven't done those discussions with what introducing a new station would do. That's one of the advantages of having the stop at highland is we're not altering the

operational or time requirements for any of your patrons on the red line. Whereas with hancock that's an additional stop and we have to understand if that's a plus or minus. So that's part of our operational considerations that we're looking at.

>> Martinez: So when we get to the northern end of the first phase and we are looking at potentially the western edge or eastern edge of the highland track, can you share with us any of the conversations as it relates to what would be the better alternative in that scenario? Would it be more attractive to commuters if it were closer to i-35 and they could pull off, park their car and use the rail line to get into town? Or would it be more advantageous to have it connected with the red line at that highland station so that the two modes can truly interact with one another?

[05:58:15]

>> I'll give you the benefit of some of my thinking anyway. I think that you have to think about how the red line operates and how urban rail would operate. If you're destined to downtown area and some of the stops along the way, if you're going to get off at airport and take the red line and come into east austin and come into fourth street. You're really not connecting anywhere in downtown or along the urban rail route other than at fourth. Whereas if you have an opportunity to get off and go to those other destinations we're talking about, the capitol, the campus, downtown, making it as quick of a transfer out of your vehicle into

-- on to the high capacity transit is really what you're looking for. And to me my perspective would be that middle fiskville option is far more advantageous for that market that's using i-35. We've even had some conversation of could we build a direct t ramp into a parking garage. Houston metro has done that other places have done that into their parking facilities and that's something that's certainly within the realm of possibility that we would like to explore.

>> Martinez: I appreciate it. Thank you, mayor.

>> Mayor Leffingwell: I'm assuming that we have substantial amount of questions left? From councilmember riley? Councilmember tovo, are you going to have comments and questions? Morrison?

>> [Inaudible].

>> Mayor Leffingwell: Councilmember riley, go ahead.

>> Riley: Kyle, I also want to thank you for all your work on this, including the multiple presentations you've been making. And each time I see the presentation I have a few new questions. I appreciate you bearing with us. First on the questions about grove, I have heard some questions about people have seen a project connect line going all the way to airport and they see we're not going to airport now. Grove would be about four miles from the airport. Just so we'll know, I'm assuming that we still expect that there would be the potential of a future extension to airport. Is that the case and do we have any sense of how

-- whether that would be

-- how far down the line would we expect to see progress on that?

[06:00:34]

>> Absolutely. I do view, especially with a close-in airport like that, it is certainly that you would want to

exam. As the city continues to grow in that area, it's more than just serving the airport. I think that's one of the issues that we need to frame up in that possible extension. One of the things that we've recommended and you all have contacted on is the idea to do this additional system planning. And so it's my belief that we need to do a broader system plan on this effort, look at the other extensions we're talking about, such as the mueller, lamar, east austin corridor, south congress, any of the extensions. We could extend north from highland. We could extend east from grove. And take a look at where do we get the biggest bang for our buck? Which extensions would really have the greatest ridership benefit. I think once you have that information from a system planning perspective then you can make some important decisions about which ones to prioritize. Until we do that kind of a system planning effort I don't think you're able to get a very satisfactory answer about when, from me anyway. But I think that that's how I would proceed.

>> Riley: We do expect that will be an option on the table that we can expect in the future. Okay. In regard to east riverside, first you mentioned that the need to rebuild a couple of bridges over the creeks. You also mention that the line would be running in the median. Do you expect that if there is a station in the travis heights area, where there be an opportunity to provide grade separated access to the station through the rebuilding of a bridge or do you expect that access to the station would be at grade?

>> We haven't delved into that kind of detail yet. Are you talking pedestrian access?

>> Riley: Yes.

>> I think pedestrian access is much more feasible for us to look at. I wanted to make sure we're not talking automobile or anything. Certainly pedestrian access along any of those bridges being rebuilt is an opportunity that we can look at.

[06:02:36]

>> Riley: You also mentioned that there may be a need to acquire small amounts of right-of-way in that area. And I have heard some concerns from a resident in that area, and just to be clear on the record, we're not talking about taking out homes along that right-of-way.

>> No. And I think too, it's very premature at this point. We've taken a very quick look at the right-of-way maps that are there and the property that's associated with it. There is some excess right-of-way in some areas that would not require any kind of building or residential acquisitions at this point in time. But I believe that there's a thoughtful analysis that needs to look at what our right-of-way requirements would be. Take a look at do we need to take a five foot sliver for 100 feet, 100 yards and be able to present that for discussion. So that's all we're talking about at this point of time is very narrow slivers of property that would not require any kind of relocation or purchase of property -- purchase of residential property.

>> Riley: Good. Moving up to the hancock area, I appreciated slide 53

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>> Mayor Leffingwell: Councilmember, we're past our noontime and I don't want to try to hurry you, so why don't we come back later in the afternoon for more questions?

>> Riley: Okay.

>> Mayor Leffingwell: Then we'll go to our central texans communication. Firster

-- our citizens communication. First speaker is Chris Thompson. Is Chris here? Thank you, Kyle. I'll get together with you and talk about a time. The topic is locally owned business up for a procurement award. You have three minutes. Go ahead.

[06:04:36]

>> Council, Mr. Mayor, Mr. Mayor pro tem, thank you for the opportunity. I'm speaking on behalf of the FFCI Corporation. We've been based in Austin now for 15 years. We have -- we're 100 percent family owned. We have over 100 employees from the humble beginnings of just a husband and wife that's here with me today. We have a local payroll of about \$1.5 million. And we're a woman business, certified business here in Texas. What I'm here today to talk to you about is the purchasing department has a procurement award up for bleach, the basic chemical used in the ordinance by Bend Waste Treatment Plant. Currently the way the bidding stand, what the procurement officer told us we're about a percent high on an 800,000-dollar bid. We recognize that we're not the lowest provider, but we also want to encourage you to -- we understand you have the potential to use the local discretion for local suppliers for this. A couple of things about us is we have -- obviously we have a big local presence here. Our technology that we use to produce bleach is different than what the rest of the people in Texas are doing right now. We actually employ a safer technology that is kind of bringing high-tech to old tech as I like to say. We put a little picture on the paper there for you to take a look if you had any questions. We've been a supplier to you in the past. We got a call in August 29th, I think it was, in 2011 when there was an accident with the chlorine system at the Hornsby Bend branch. We have trucks headed there two days later. So one, we appreciate your business. It's an honor to be a part of this city. And we just would like you to consider us when this award comes up. Happy to take any questions.

[06:06:44]

>> Mayor Leffingwell: Thank you. Next speaker is Allen Roddy. Is Allen here? I don't see Allen. So the next speaker is Pat Johnson. Topic is corruption and greed at the expense of the citizens.

>> Good morning, Council. I have a timed powerpoint today so I will keep my three minutes at three minutes. Today we're going to talk about conspiracy and greed at the expense of our citizens, predatory towing. I've touched base on this issue once before at a previous Council meeting and you didn't even know what was going on. The largest predatory towing scam in the city's history happened right across from the police station with 300 plus vehicles were stolen by J and J Towing. Stolen. You have documents in your possession that I received from city staff that he said that J and J Towing does not have a contract with the City of Austin to tow those vehicles. 300 plus vehicles over a 14 month time period stolen from across the street from the police station, and our police department didn't do zero. They have no intentions to reach out to those victims because of budgetary concerns, but we have time to send our officers out in parking lots to put notes on people's vehicles about items left in their vehicles. This is simply not fair to our citizens if this is allowed to continue. And it continues to go on because someone has tied the hands of those detectives in the wrecker enforcement unit from doing their jobs. It's sickening that our citizens continue to have to be abused by these towing companies and you are here

to represent the people. There's an issue that you need to understand. The city contracts with southside wrecker, the city gets 20%. Now, this is a delayed notification scam going on and they're exploiting this in the state law that allows them to send the motor vehicle letters electronically, but instead of sending it to the post office here in austin, they electronically mail it to little rock, arkansas and it takes seven to 10 days for the letter to get back to an austin address or to the lien holders. So people are losing their cars and the city gets 20 percent of this bid. It's sickening. It's out right sickening that our citizens are getting targeted by a contract that y'all approved that's been awarded time after time to southside wrecker because of favoritism. Other companies try to bid these contracts and they don't have a chance. Just like cars that got towed at lakeline at the metro station. The contract calls for two storage facilities, one in north austin and one in south austin. But al text, a subcontractor on that contract, towed all the cars to south congress. You talk about having a 14-million-dollar budget surplus. Do you really feel like it's needed to gouge the public on this scam? By sending the notification letter all the way up to little rock and then back to austin? That's just simply not fair. So I ask this council to really reach down into your souls and ask yourself is it really worth 20% to gouge our residents other and over and over again?

[06:10:06]

[Buzzer sounds] thank you.

>> Mayor Leffingwell: Thank you. Susana almanza. Invitation to the 13th annual cesar chavez march.

>> Good afternoon, mayor and city councilmembers. We invite everyone to celebrate the life of cesar chavez by attending the [speaking in spanish] social justice march. The march will take place saturday, march the 29th, 2014. Assemble at 10:00 a.M. At the terrazas library, 1105 cesar chavez, march tens at 10:30 and ends at city hall, to 1 west second street, with speakers and dance from 11 to one p.M. Cesar chavez was born on MARCH THE 31st, 1927 IN Yuma, arizona. Cesar chavez was a latino farm worker, labor leader, civil rights activist and crew sider for social change. Chavez was co-founder of the united farm workers, which victims for better wages and safer working conditions on american farmland. Cesar chavez more than assembled a and a role model for farm workers and the latino community. He demonstrated the need for all working people to support those exploited working for dignity in the job and community, increasing democratic rights of working people, challenging the power in defense of the powerless. March the 29th, 2014, marks the 13th annual cesar chavez march in austin, texas. Austin residents have celebrated the life of cesar chavez and his selfless dedication for farm workers and workers' rights, economic justice, civil rights, environmental justice, peace, non-violence, and empowerment of the poor and disenfranchised. As cesar chavez once said, we have a power that comes from the justice of our cause. So long as we're willing to sacrifice for that cause, so long as we persist in non-violence and work to spread the message of our struggle, then millions of people around the world will respond from their heart and in the end we will overcome.

[06:12:27]

[Speaking in spanish]. Join us saturday. Thank you.

>> Mayor Leffingwell: Thank you. Paul robbins, city and budget issues.

>> Council, on march 5th a letter was sent to city council, this letter, signed by several people, including

myself. Articulating why it would cost about two-million-dollar dollars to turn water treatment plant 4 on than to leave it off according to the utility's own numbers, austin will not need the capacity until 2031, 17 years from now. Austin water utility would save this by deferring start-up of the plant by savings of annual operation and maintenance costs. We believe this estimated savings to be conservative. In 2011 had the highest combined water, wastewater cost of the top 10 texas cities and it is probably still the leader. With the ominous threat of an emergency rate increase this summer to make up for lagging sales brought on by these high water costs and the drought, it would seem that you would be doing everything you can to keep costs down. I've just been informed by a reporter, and I need to confirm it, but I've just been informed by a reporter that an estimate was given last night that the austin water utility is project projecting revenue shortfalls of \$64 million between now and 2019. Again, I need to confirm this, but the reporter is reliable. Instead the same utility that told us that we needed to build a new water plant that we won't need for a generation, now urges us to spend more money on diversifying water supplies. We don't need, in my opinion, more water supplies, we need to avail ourselves of conservation, and this could be done by fully implementing the 2007 water conservation plan by moving the water conservation division out of the water utility which has a conflict of interest since they're trying to make up this shortfall. And we could start selling more reclaimed water because our reclaimed water system is using about 5 percent of its capacity. I hope to be here this afternoon to discuss water further, but again, I urge you in your deliberations this afternoon and future deliberations to consider water conservation and not new water supplies. Thank you.

[06:15:42]

[Buzzer sounds]

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Paul, I just wanted to comment that it's my understanding that that letter about

-- that brought up the idea of moth balling water treatment plant number 4

-- it's my understanding that staff has been asked for their perspective on that.

>> I'm sure they will agree totally. [Laughter]

>> Morrison: Hopefully we'll get some feedback.

>> Mayor Leffingwell: Next speaker is tina lippert nunez. Topic is zoning issues.

>> Hello. I'd like to address the council today about an issue that is very important to my neighborhood, the meadows at double creek. We have some zoning concerns about two lots that are adjacent to our properties in the neighborhood that have been zoned gr-co zoning. These lots were zoned prior to our neighborhood development and on one of these lots there is a site plan for a proposed gas station, which has only a buffer zone of 25 feet from residential properties. We have some concerns of the possible pollution and fumes from the gas station being right behind residential houses. Additionally this gas station is also

-- has a legal opportunity to drain their water into our residential pond, which is also surrounded by houses. So I really wanted to appeal to the city council to look at this situation and researching the zoning process I see that there is very detailed process for initial zoning and a rezoning request, but there is no process that is designed for any residential neighborhoods or properties to have any input on the zoning for the properties adjacent to their land and to their houses. And I think in this issue, the

issue here is that we have chemicals and fumes, hazardous types of environments that can be caused by gas stations. Everyone knows gas station fumes you can smell them two or three blocks away. We are wanting our quality of living to be protected. Our neighborhood playground is down a couple of blocks from this gas station. Don't want to be at the playground with our kids with gas fumes. You know, we're really wanting the neighborhood to be protecting our quality of living. So I appeal to the council to please look at this zoning on this property. And all we're asking is additional questions can be added to prohibit a gas station or any other businesses that use fumes and hazardous chemicals that emit VOC chemicals. So we're just looking to protect our neighborhood. We know the lots will be developed. We encourage that for uses that we will use, but we do not want to open our windows and smell gas fumes when we air out our houses. And I don't want to teach my kid how to ride with bike with gas fumes on the sidewalk. So I appeal to the city council to please consider this. Additionally, please look at the zoning request process to allow neighborhoods that are impacted by businesses threatening that could allow hazardous fumes and chemicals to be put near anywhere properties, I believe they should have an input and say and way to approach the city council and approach the city offices that are reviewing the zoning request to be able to protect their interests. We are investors in the city as well as other companies. We invest by buying properties in the city. We invest by paying property taxes every year. We invest by having our kids go to the schools. So we're invested into this city just like any other business or corporation.

[06:19:20]

[Buzzer sounds] just want to appeal to you to look at this process.

>> Mayor Leffingwell: Thank you. Emilio Chorios. You have three minutes. Your topic is water fluoridation.

>>

>> ladies and gentlemen, good afternoon. As you know the Austin City Council voted unanimously in favor of renewing the contract with Mosaic Crop Nutrition for the Nor Row Sill Lick Acid [indiscernible]. Yes, Nor Row Flores Sick Acid, a chemical being added to the water not to treat the water itself, but to medicate us without consent. Last month multiple speakers presented scientific evidence of harm to biological system, including harms to human services. The speakers presented personal testimony, ethical violences and examples of lack of scientific consensus which brings me to my next point. Mayor Leffingwell stated last month, quote, I even asked my dentist and his answer was unequivocal, yes, fluoride in the water at safe levels is something that we should continue to do, unquote. This is what is called a false pay peels to authority. Dentists do not have the authority to suggest what we should or should not ingest. If you were to say toxicologists, neurologists and biochemical mists made the same statement that would hold more water, but to suggest that a dentist's approval of water fluoridation will squelch our arguments of a neuro toxin at any level is egregious. Your dentist is wrong and you, sir, are wrong. Councilmember Spelman, who is not here right now, was not prepared to debate. Effectively created a diversion by making the argument of concentration levels. This is a common argument by fluoridation promoters. Mr. Spelman, if you add .3 parts per million or .4 parts per million into our water you are still not able to measure the dosage anyone is ingesting. To suggest that .7 parts per million is acceptable simply because it's at the lower end of the CDC recommendations is equivalent to saying you

should withdraw any form of informed consent and ignore the precautionary principle. The precautionary principle states that if an action or policy had a suspected risk of causing harm to the public or the environment in the absence of scientific consensus that it is harmful, the burden of proof that it is not harmful falls on those taking an action. So, mr. Spelman, last month you stated, quote, I pride myself way too much on being evidence-based, unquote. You should be the one presenting evidence to us that ingesting nor row sill list sick acid at one dose per all is not harmful in adults, especially when ingested through a lifetime and through multiple sources, not just through tap water. There's only evidence of harm. Maybe this is why you're I guess nothing the precautionary principle. Councilmember morrison

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[06:22:33]

[buzzer sounds]

>> Mayor Leffingwell: Your time has expired. Next speaker is marcia zwilling. Welcome, you have three minutes.

>>

>> my name is marcia zwilling and I'm the former president of the bluff springs neighborhood association. On october 31st our unique horse community was lost forever. It's not working. Can you stop the clock? This one? Okay. Our churches were devastated and because the normal flow of the creek was blocked, flood water was diverted down bluff springs road flooding our homes for the first time. Onion creek winds around caswell services adjacent to the bridge. Previously the creek was allowed to flow freely through this former ranch until a wall of junk and railroad containers made a dam of steel blocking the natural flow of the creek as indicated by the purple line. Railroad containers and tons of debris contributed to the flooding of our homes and the death of 30 horses. For eight years we begged officials to intervene. We knew this amount of junk in a floodway would cause severe contamination to the creek and increase flooding in our neighborhood. They didn't listen. 3,009 pounds of chemical pollutants were found in the creek and the watershed people had to enlist an emergency response team to gather it up. And this was the aftermath. Now, across the street upstream there is no industrial debris. It began here. This pavilion was once filled to capacity, was emptied by the flood and this kind of debris was found everywhere downstream and throughout your park. Along with salvaged cars and dozens of washers and dryers. Searchers were even asking if there was a laundromat nearby. Our horses didn't have a chance being hit by this kind of heavy equipment. And what was a beautiful greenbelt became a graveyard for caswell's junk and our horses. Our creek was polluted and our park is unrecognizable. Rolls of carpet were swept downstream, some found in trees, in our backyards, around horses, and even on top of an suv in his neighbor's pasture. Roofing supplies and drums of tar were tangled with his signs and the cleanup was at the county and city's expense. And on private property at our expense. Black plastic bags are scattered in trees throughout the park. Onion creek park is one of austin's treasures. This business was allowed to operate in the etg in a protected watershed, in the floodway on the banks of onion creek. We would like answers. Did caswell submit a site development plan as instructed to do so by tnr. Did the city submit a permit for change of use?

[06:26:06]

[Buzzer sounds]

>> Mayor Leffingwell: Councilmember morrison?

>> Morrison: So marcia, can you tell me is any of this slated for buyout, mr. Caswell's land?

>> The problem was three weeks ago tnr recommended that the county doesn't focus on commercial and I gave a more detailed presentation to the commissioners and saying you can't buy out everybody around him and leave the elephant in the room. Since then they have now developed a policy to weight different properties based on the damage they could cause. From my understanding they've been in executive session for the last two weeks, they are currently looking for the money to be able to buyout this property.

>> Morrison: So that's some good news. And was mr. Caswell, did he take responsibility for cleaning up all his property?

>> No, he did not. The only thing he cleaned up, he spent

-- over the course of three days he dragged some heavy equipment from his adjacent neighbor's yard, one of his cars was in her barn. A lot of heavy equipment. But he did not clean up our properties. In fact, all those carpets and everything you see there was there up until the end of february and it was only when max smith, a private contractor, started cleaning out the park, that he volunteered his services to clean all our backyards. But neighbors had to purchase additional dumpsters at their expense to clean up his mess.

>> Morrison: Thank you.

>> Good questions. Thank you, anybody else.

>> Mayor Leffingwell: I have a question. Have you talked at all with our watershed protection department about

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>> yes, and that's why I'm here today. Because I get different answers from different people. In one letter I received from the watershed it said that their purpose is to protect the environment, to save lives. But if that is the case, how could the city allow this kind of toxic debris in the middle of a floodway? And they admitted that they had to enlist an outside emergency spill team to retrieve 3,900 pounds of chemical pollutants in the boggy creek and flood impacted area that was about a mile from this property. So we would like answers. Do they need a permit to operate? Did they need a change of use? It was a ranch. Who allowed a junk yard to come into this sensitive area? And most of all, please don't let this happen again. This is our treasure. This is our watershed. Anybody else have any questions?

[06:28:48]

>> Mayor Leffingwell: Is there anyone from watershed here? I'm asking generally is there any person from the watershed protection here? Just a couple of quick questions and then I would like to ask you to get together with marcia after this to talk it over.

>> Certainly. Mayor and council, [indiscernible] at watershed protection and I'm joined by

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>> Mayor Leffingwell: So the city does have some authority over specifically watershed issues in the e.T.J., Do we not?

>> I'm going to let

--

>> this is our lead spills investigator and knows our interface I think at the city limit with travis county best.

>> I'll try and answer your question. We do

-- we have spill response authority in the e.T.J., So if there is a pollutant spill of some sort we have authority to respond throughout the e.T.J, require cleanup and so forth. But in terms of development authority and planning authority, it is my understanding that we do not have that authority in the e.T.J. I don't work for the pdr department and they are the ones that specifically have

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>> Mayor Leffingwell: What about some structure or group of structures that affect potentially upstream or downstream flooding?

>> In terms of development? Specifically whether it be in place?

>> Mayor Leffingwell: Yes.

>> As far as I am aware, I do not think the city has think of that authority within the [indiscernible].

>> Mayor Leffingwell: Marcia, there's a guy right behind you there that wants to talk.

>> Greg gun fbi, planning development and review development. In our e.T.J. The city of austin does not have any zoning authority or building permit authority for the use of a building in our at the. So if someone were to take a barn and occupy it for a commercial use or convert a home into a business in the e.T.J, I don't have the

-- city of austin does not have the authority to regulate that zoning use or the building permit controls of how that building is used.

[06:31:03]

>> But I'm not asking about in e.T.J, I'm asking in the protected watershed. What is protected watershed mean if it's not protected? You're saying that you can bring anything in to that watershed, into that floodway, and all the watershed does, how you protect it is you clean up the spill after it's too late. Is that what you're saying?

>> Actually, as was stated earlier, we have authority to respond to active spill incidents in the e.T.J. And the activity that we've been conducting out there really wasn't cleaning up after spills. We've been going after containers that may contain substances of concern.

>> I received a letter from victoria lee stating that 3,900-pounds of chemical pollutants were cleaned up and that the spill was so I immense that an emergency response team was brought in to clean up the drums and containers, which were also by the way all throughout our property as well.

>> Mayor Leffingwell: Okay. I have a couple more questions for staff. Do we not have a land development code section 30 that governor verns land use issues and it pertains to both travis county and the city of austin?

>> There is a title 30 within travis county that deals with

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>> Mayor Leffingwell: In the e.T.J.

>> In the e.T.J. that deals with the division of land for subdivision. It also talks about water quality controls and drainage controls.

>> Mayor Leffingwell: That's the question I asked. Do we not have some authority over water quality?

>> But I think the items that are being brought of attention to your concern are those of use of a building that was no longer used for a residential ranch purpose, used for a commercial purpose. And all the things that were in it that floated out of that building are not under the control of the city of austin for the contents of that building because there was no change of use, there is no building permit that we could

-- would require, and we do not have zoning or land use authority to regulate a use in our e.T.J. Travis county does have limited authority to deal with certain uses in the county. They may deal with uses that deal with adult oriented businesses. They also deal with auto salvage, but travis county is also limit understand what they can do as far as regulated a land use. They may issue driving permits, they may look at septic systems, they may look at drainage to protect flooding interests, but they do not have the regulatory control either to control a building's use and what is stored in it as far as building codes or zoning regulations.

[06:33:49]

>> I need to correct something. This was not in a building. He had 60-plus salvage cars on the banks of onion creek. All of that stuff that you saw, one pavilion was filled with it, an open pavilion, but everything else, railroad containers and diesel things, everything else was on the property in the middle of a floodway.

>> Mayor Leffingwell: Thank you, marcia.

>> It wasn't in a building. And he was directed to do a site development plan by stacey sheffield in tnr with the city.

>> Mayor Leffingwell: Could I ask, greg, you and watershed staff spend a couple of minutes with ms. Zwilling to answer some of these questions in more detail. I want to be fair to the rest of the folks signed up for citizens communication. Thank you for bringing this up. Councilmember tovo?

>> Tovo: Can I ask that the staff, if they're able to, in not a formal memo necessarily, but if you could report back about this issue, that would be very helpful. We do have a cap, I think several of our offices contacted staff when she informed us, but I would like to better understand the question she raised which is do we have any authority? I understand the point mr. Guernsey made that don't have authority over the use of a building, but given our

-- given environmental concerns she raised, who if any under these has authority over potential environmental hazards that might be in close proximity to a waterway. That would be really helpful for all of us to have. Thank you.

>> Mayor Leffingwell: I'd like to add to that discussion, examine what opportunities there might be for collaboration with travis county on some of these issues that are common to both of us. That may be somebody else besides you, greg, or watershed, but that's a part of what I'd like to hear an answer to. Councilmember martinez.

>> Martinez: I do recall us making previous decisions as to increasing setbacks from certain waterways.

Can we stipulate what must be set back and create even farther setbacks so that operations like this in the e.T.J can occur?

[06:35:59]

>> If a site plan is triggered, they're building something that require a development permit under our regulations, we certainly have the ability to require it in the setback from water quality and drainage purposes. It sounds like this was a ranch and they just started using it and it gets more difficult.

>> Martinez: It may not have applied to this case because they used an existing structure, but they do have some set back requirement abilities that we can employ so no one can construct a new facility and use it for this purpose if it's within that set back?

>> That's correct.

>> Martinez: I think we should explore those options further.

>> Riley: Greg, just one more question. If this property were a ranch and the property owner started using it for essentially a salvage yard and someone complained and reported it, would that change of use of the property not trigger any review on the part of the city?

>> No, it would not.

>> Mayor Leffingwell: We don't have the zoning.

>> We do not have the zoning authority in the extraterritorial jurisdiction, basically the county.

>> Riley: There could be any new use on the property and that would be no opportunity

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>> there was a mention the salvaged cars that might have been on the property, travis county might interpret that as being an auto salvage yard and they might have some authority. I think the deal was screening of it, that kind of thing, but that's kind of beyond my purview. I would have to talk to travis county about their regulations and how they deal with salvage facilities.

>> Riley: I will be interested in seeing the review because there are environmental concerns as well as flooding issues that we've seen in the presentation. So I think both the city and county have an interest in working together to figure this out.

>> Mayor Leffingwell: Okay. Jerry locke. Is jerry locke here? Topic is the generation plant.

>> Good afternoon. It really isn't just the generation plan, it's also the climate protection plan. I know that lots of you want to do something about both. I know lots of you want to do something about emissions. And in other parts of the world the situation is very dire. You know about the glaciers and they'll lose them in asia in 30 to 40 years. 40% of the people in the world won't have drinking water or water to grow their rice and vegetables. Africa, peace corps volunteers, it's even worse. Very credible organization did a study, one 82 million deaths by the end of the century. And a person who is the lead editor of three iptc reports said, yeah, that's true. I could go into south america, the drought, the snow pack is going, and we have our drought and we have largely empty reservoirs. I'm concerned about -- I've heard just a little bit here and there about what you all-- what is being proposed to you. I know that offsets are being proposed. I think that's a huge problem. We need to make our old emission cuts and not farm them out to someplace elsewhere there's lots of corruption and other huge problems. I'm going to give you this so it's all outlined here where you can get more information. I'm also concerned about two degrees kent grade. That's kind of

-- centigrade. That's being embraced by the person that's contacting you. I know it's part of the ipcc. But they operate by consensus and they're a very conservative organization that don't take into account tipping points. Dr. James hanson, easily the most well-known climatetologist in the world, says two degrees isn't safe. He and camille parmesan, who is at u.T. And was a lead arthur of ipcc, jeffrey sykes, now say after doing research released in december, now say that only one degree, woo we're almost at is actually safe. So all I'm asking is you read what I'm going to present and really kind of take it to heart. Emission cuts, as I said in this, I know less about that than anything else. The consensus position of the green groups and doing wonderful work is very, very conservative. I contacted greenpeace, I contacted friends of the earth and both ever them have emission cuts by 2020 under 1990 levels that are much larger than anything that's being discussed in this city. I'm going to get other information and send it back to you. I'm going to give you this.

[06:40:58]

[Buzzer sounds] and this is about the gas plant from public citizen. Thank you.

>> Mayor Leffingwell: Thank you. Cody huffman? Cody huffman here? Evidently cody is not here. So council will now go into closed session to take up one item pursuant to section 55 one .071 of the government code, council will consult with legal counsel regarding item 48, which is legal issues related to the hotel at the austin-bergstrom international airport. Noting that items 46 and 47 have been withdrawn. With that objection the council will now go into executive session.

[07:48:41]

>> And so there are a lot of aspects to that problem that we talked about about east-west for one thing. Medians provide some connections between those two transit corridors. There's also a need to provide connections, and a long standing need to provide connections westward from the existing terminus of the red line at the convention center over to both the guadalupe/lavaca corridor and ultimately the seaholm area, for one reason

-- for many reasons including the need to connect with the lone star rail line which we hope to see materialize in the future. Can you just tell us how that looks at this point from your -- from your standpoint? And I know this will be a priority for both capital metro and the city and I know it's going to be the subject of an ongoing conversation, but for those who are interested in urban rail and want to be sure that it provides connections to other systems, what kind of assurances can you provide that will be addressed in the near future?

>> Well, one of the things that we have identified through our examination of routes is the need for that east-west connector that you suggested in your question. The challenge that we see is a tremendous growth, particularly on the population residential side over in the seaholm area. We also see a similar growth factor on the east side of downtown as waller creek is taken out of the flood plain, the innovation zone is moving forward and a lot of other investments are moving. So you have all these parallel north-south moving routes, say the guadalupe, lavaca. Denver has some that connect the same parallel efforts. There's two lines that intersect, there's two major bus hubs that come in at either end of the mall and there's a tremendous growth along that linear pattern. What we're suggesting is through

our analysis and through these various investments being considered, we ought to be examining a similar type of a concept of an east-west connector from the west side of downtown to the east side of downtown. What you

-- what you find in this circumstance is that there's not a silver bullet theory out there and you need multiple investments to be able to bridge the growth that is occurring across a much wider area. This is a concept that we've recognized through our analysis of placing the alignments along trinity. We believe even if you are to be placed

-- we've talked about this, even if you were to place urban rail you still need that east-west connection because of the population growth on the west and the employment growth on the east. So that factor doesn't go away. We believe that's a separate effort, but we want to continue to examine that a little bit. We do not believe that the north-south orientation of the urban rail necessarily in this first investment turns west, but it may be something we want to examine as part of a future connection.

[07:52:07]

>> Riley: Okay. And one other question about future connections and it relates to the hancock alternatives you addressed in slide 53. That's a fairly complicated slide because there are a lot of issues associated with placing this line around the hancock center area and the airport boulevard corridor. And I just want to be sure that we have all of the

-- that we will have all of the information we need on the table at the time we need to make decisions on those alignments. And in particular I know that one issue that you've identified on slide 53 is a potential extension to miller, and I know that the full details of any future extensions will be addressed more fully after this initial work. But it seems like it would be good

-- it would be helpful to have some grasp of the cost of those extensions at the time we make those initial decisions about this line. Do you expect we will have some handle on the cost of

-- on how the various options compare in terms of what it would cost to provide future extensions to mueller?

>> What we have

-- the way which we've addressed that is that we would address that during the subsequent system planning efforts for those corridors. What we want to examine at this point in time is the feasibility of providing a connection in that direction. So if you will, a stub connection. So the idea would be let's say we come up 41st and we're making that turn around the back side of hancock. Is there an opportunity that we are keeping open for an extension into the mueller area. That's the extent of our consideration at this time and this phase. In terms of the actual cost to go from hancock to mueller or some other connections to the other areas, that would be part of the subsequent planning effort that we would be able to detail those costs.

[07:54:11]

>> Riley: But as least we will have a good sense of the feasibility which obviously has cost implications.

>> Sure.

>> Riley: Thanks.

>> Mayor Leffingwell: In hearing those comments in councilmember riley, it occurs we have several briefings to go on this. It might be useful to provide at least one slide to put it back in context, refer back to that total project connect which shows at least conceptually if not in a detailed way where all these various parts connect together because I think that's probably, what is it, c and g and now there's a s part in that diagram. I know you like that a lot so I memorized it. The system concept, the s stands for how do all these various parts connect and what's the general plan for doing that.

>> That's a good suggestion that we put it on one slide, right now it's fragmented so let's pull that together.

>> Mayor Leffingwell: Yeah. Councilmember tovo.

>> Tovo: I just have one, I assume what you are getting at is that the high land versus hancock alternative will be analyzed as well from the perspective of how well they can connect to that subcorridor of mueller.

>> That is correct.

>> Tovo: We won't have detail cost information but you will have an idea of relative ease of either of those in terms of that phase of rail.

>> That is correct, and we can evaluate whether one is more feasible or difficult to accomplish than the other.

>> Tovo: And that will play into which makes better sense for those next investments. Okay.

>> And the big factor we want to make sure we don't preclude the opportunity to expand into those areas.

[07:56:11]

>> Tovo: Right. And then the right-of-way acquisition. You've covered the situation with riverside. Is the same true

-- is the same true up in the red river area where you said it might be necessary to acquire some right-of-way there, and by the same situation I mean would you be looking at acquiring just little strips or are you talking about actual properties along red river?

>> The way I would respond to that question, and it's a very good question because we have several ways of dealing with it. It's a narrow right-of-way very similar to riverside. One of the ways that we would deal with this exclusive guide way is have the exclusive guide way keep the travel lanes which would require widening of the road and therefore additional right-of-way acquisition. Another way is we reduce the amount of travel lanes. Instead of having two lanes in each direction we make a decision one lane in each direction so that's a decision. A third option is given the mode characteristics of urban rail, we talked about the opportunity of that being a shared operation, that allows us to keep the right-of-way essentially the same. We have two lanes of traffic, but in that limited area we would operate in mixed flow. So there's a number of evaluations that we would want to consider in that area and a lot of that is taking the temperature of the community along with the cost and the impacts on operation. If you ask me, you know, if reliability is most important, then you are looking at acquiring additional right-of-way or reducing traffic. But if given the balance of those three factors, we may make a decision to share the operation in that area.

>> Tovo: So just to get back to that first question again, would the acquisition of right-of-way in that

area require

-- require parcels that are large enough to eliminate structures?

[07:58:13]

>> We haven't gotten to that level of detail. That is an area that we will continue to sharpen our focus. We will be able to answer that question in the may time frame. And again, we'll bracket it whether or not we need to widen to be able to accommodate two lanes of traffic or just one lane so we'll be able to respond to that.

>> Tovo: Thanks. And you talked about, and I appreciate this, taking the pulse of the community I think was the phrase you used. Do you have the intent of reaching out to particular neighborhoods as you take the pulse of the community or would this be through the project connect? Stakeholder meetings you've been having or both. I would want to be sure the neighborhoods along those areas are aware of this particular topic going on so that they have an opportunity to weigh in.

>> That's a good question. I think there's probably two and three things. I think that, first of all, we definitely believe there's an opportunity during our project definition experience over the next couple of months that we'll have the opportunity to reach out to those areas. So we'll have a targeted contact with those neighborhoods to have a conversation about solutions in that area. Broadly, we'll have project connect discussions as well. But more importantly, I want to make sure there's an understanding that we're not actually answering the question definitively in may and june of this time. We will establish a concept that will allow us to move forward, but we'll move into the nepa process after the election beginning next year where we actually do much more detailed traffic impact analysis. We do the nepa examination of impacts and have better definition of that. We'll continue to have this discussion as we move the project forward to understand what the final decision would be. And that final decision would occur at the end of the nepa process.

>> Tovo: So the decision about the right-of-way versus lanes of traffic, those are not happening, those are post-nepa?

>> During nepa.

[08:00:14]

>> Tovo: I'm sorry, post

--

>> we'll begin the discussion, establish a concept, but then we'll continue to work with the neighborhoods in that area as we get more definitive in the nepa process.

>> Tovo: That's great, and I appreciate that. I know you are doing lots of public outreach but sometimes targeted outreach is important to make sure people are really aware something particular to input. I appreciate you moving forward with this.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Thank you, mayor. I appreciate all 53 slides, I thought they were very formative, and I do have just one question. As you know, we've been in discussion and passed the resolution on having an action team, interdepartmental action team and I appreciate your input on that. One of the questions

that arose was how much can we get out of that action team, what results can we get, say, in the fall time frame, especially because it could help inform the discussion around the election for rail if we have an election for rail. And I know that you all, there's already

-- lots of the detail has to be deferred to the nepa process, but you all have done some analysis on housing and jobs. Could you speak a little to what you do have under your

--

>> what we've done during phase 1 in particular is we were examining the various subcorridors took a look at some of those factors. Where do we have transit dependent populations. Those factors we have already factored into our decision about establishing the project from high land to east riverside. We're going to start to magnify our focus around those half mile zones, quarter mile zones to understand how close those are in proximity to our stations. And that's where walkability and access to the stations becomes a very important factor. This will continue to be a very important aspect over the next two years as we be able to mount a project for application to fta. So there's a lot of time for us to really get our policy house in order on that, but y'all are way ahead of the game compared to other communities around the country. What I like about your question though was what can we do leading up to the election. I think we have to do a really good job of informing the public about the benefit side of the values of being able to be close to those populations in those areas. I think that that does make an important aspect to support the project. It can't just be a numbers game of riders and costs, which is very important, but it's important to be able to identify the proximity to those factors you are talking about. So we can be able to bring that forward. I don't have a definitive answer at this point in time, but I really applaud the idea of putting the force together. I would

-- I kind of hold up charlotte as a really great example of pulling their staff together to understand what the fta competitiveness factors are and they all worked extremely diligently to establish pop cyst policies and rated. That's where you are. The two different time lines you're lines. And what we can pull out to the public.

[08:04:04]

>> Morrison: There will be some easy things like doing an inventory of what programs we do have in place as well as inventory of affordable housing and the real challenge is getting a commitment to and figuring out what exactly the new program should be to really achieve what we do want to achieve along the corridor. Thank you.

>> Mayor Leffingwell: Other questions? Okay. Thank you very much. Kyle, we'll look forward to next time.

>> Thank you, sir.

>> Mayor Leffingwell: I'm sure I'll see you in between now and then. So it's after 2:00. I think we can do our zoning cases. If mr. Guernsey is in the house. Since he is not here, maybe we could summon him. And there he is.

>> Mayor and council, greg guernsey, planning and development department. I'll go through our 2:00 zoning and neighborhood plan amendments. The offer for consent, approval or postponement. First item item number 49, npa-2014-0003.01. In the chestnut neighborhood planning area to amend the future land use map for the property located at 1805 and 1807 hewlett avenue. This is to zone the

property to single-family

-- not zone the property, to change land use map to single-family land use and that was recommended to you by the planning commission and is ready for consent approval on all three readings. Item 50, c14-2014-0006, 1805 and 1807 ulit avenue, to zone to family residence neighborhood plan. The planning commission recommendation was to grant the zoning and this is ready for consent approval onal three readings. Item 51, c14-2013-0147, 707 west avenue, staff is requesting postponement to your next meeting. I think we're still addressing an issue regarding the creation of the ordinance. Item 52, c14-2014-0010, for the property located at 11031 manchaca road, this is zone to property to limited office or I.O. The recommendation was to grant lo-co or limit office conditional overlay and this is ready for consent approval on all three readings.

[08:07:04]

>> Mayor Leffingwell: And that's it. Okay, so the consent agenda for zoning cases is to close the public hearing and approve on all three readings items 49 and 50, to postpone item 51, you said until next meeting, which I BELIEVE IS APRIL 10th.

>> That's correct.

>> Mayor Leffingwell: And to close the public hearing and approve item 52 on all three readings.

>> So moved.

>> Mayor Leffingwell: Seconded by councilman spelman. All in favor. .>> Aye.

>> Mayor Leffingwell: Item 36 was pulled for speakers. The first speaker is gus pena. Gus pena is not here. David king. Angelica noyola. You have three minutes. She's not here.

>> Thank you, mayor. Mayor pro tem and councilmembers, thank you for coming to the meeting last night, I know you were not feeling well, so thank you very much.

>> Mayor Leffingwell: Thank you.

>> I'm here on behalf of the a and c and I will run briefly through a few things I mentioned this morning and won't take up any more of your time, but the aac would like this stakeholder group to

-- that group to comply with the open meetings law in that the city manager allow the anc, the president of anc to select one of the representatives on that stakeholder group. And then to address the problem where police officers or patrols are having to be pulled out of neighborhoods to support these large events. Not just sxsw, but we definitely need to

-- I'm hoping the stakeholder group will come up with a strategy to address that problem so we don't have to pull police officers out of neighborhoods and suffer delayed response in our neighborhoods to cover sxsw. So those would be my main point and thank you very much again for your time.

[08:09:25]

>> Mayor Leffingwell: Thank you. Councilmember martinez.

>> Martinez: I want to be clear that this item does not necessarily con constitute a stakeholder group. As it relates to toma going through utc and music commission and potentially public safety commission, they are all required to comply with the open meetings act. So there is ample time for input. That's why we didn't make any hard and fast rules requiring certain people come. We want everyone to participate

and so anc is certainly more than welcome to the table and we'll have at least three opportunities -- or three commissions will have the opportunity to hear these on multiple agendas if necessary taking public input. I just want to thank my colleagues for co-sponsoring this. It has been, you know, it was a difficult sxsw, but it's not just related to sxsw. Austin has just truly become an international destination for many folks, many different times of the year. And formalizing this process to help us improve public safety capacity issues, transportation, that's the impetus behind this resolution. I just wanted to reach out and thank everyone. I move approval.

>> Mayor Leffingwell: Councilmember martinez moves approval of item 36 seconded by councilmember tovo. Discussion? All in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. That passes on a vote of 7-0. Item number 39, which was pulled by councilmember riley and we do have speakers on that. Do you want to hear from them first?

>> Riley: If I could address a couple things because I think it would be helpful for the speakers to here where we are on that. I have gotten some input on the resolution since it has been posted and I would, just for context, this just calls for the manager to present us with some options. We had a briefing from the water utility some months ago and we're expecting to get some

-- the briefing highlighted was there is

-- there are some risks associated with our water supply, and we have some responsibility to

-- to acknowledge those risks and plan accordingly to make sure we have appropriate measures in place for every possible set of circumstances that we may face as a city in the future. And so we

-- we have been expecting that we would see some options as to how we might address those risks and we had not seen them yet so this is an item that asks for continued discussion about that. It directs the city manager to come forward and put some possibilities on the table so that we can have a discussion about what we need to do to make sure that the city is appropriately prepared for every possible scenario that we may face in the future. There have been some concerns raised about some of those options that may be in the works and in particular there were concerns about possible negotiations aimed at partnerships involving regional transmission lines and so on, alternative water sources and so on. And so to address that, I would suggest that in the last

-- in the next to last paragraph of the resolution, which is the second paragraph of the be it resolved section, there is a section that was not intended to direct the city manager to negotiate to those partnerships, it was just asking for some indications of what the options are that might be out there but to make clear we are not directing the city manager to negotiate any particular partnerships, then I would suggest we take out that language altogether about regional transmission systems and partnerships. And then there also has been a point raised, which I expect we'll hear about from our speakers, that one potential water source we ought to be looking at is our very own barton springs right here in the city and that there may be some good reason to look seriously at barton springs as a potential water source. Given that suggestion, I would suggest that we add

-- just at the last, the very end of that next to last sentence of the resolution, we just add a comma asay and add the words such as barton springs. So that sentence to be clear, the next to last

[08:14:15]

sentence would read: These alternative water sources should include but not be limit to conservation, aquifer storage as well as other sources in the region such as barton springs. And that, again, is based on the input that we have heard since the resolution was first posted. And with that, mayor, I would like to hear from the speakers.

>> Mayor Leffingwell: I think I have a question or couple of questions, first, greg, for you. Mr. Meszaros. Are we constrained in any way for looking for water outside the colorado basin by our 2007 agreement with the lcra?

>> No, we're not constrained in terms of evaluating those. There's some language that deals with how water supplies we would develop outside if our agreement would apply to the trigger but we're not constrained by not being able to do that.

>> Mayor Leffingwell: I know there was a commitment from an agreement signed between the city and the lcra for additional water beyond the 325,000-acre foot, a level that was reached in the 1999 agreement, but I understood that

-- probably incorrectly that that was supposed to go through lcra and let them find it. But we're free to go find it on our own. Is that correct?

>> Yes, it could be a combination of all of those, yes.

>> Mayor Leffingwell: And the second thing is, I actually kind of like the reference to exploring the transmission line. I know I've had some inquiries from other jurisdictions within central texas that are interested in transmitting water and the questions were about opportunities for sharing that kind of infrastructure. I don't know if you have been contacted by them or not, but and then in addition to that, I know that

-- I believe that, you know, the voters approved a substantial amount of money for water infrastructure improvements over the next few years. And a substantial portion of that, more than half is going to be focused on infrastructure, particularly pipelines that transmit water from where there's plenty to where there's not plenty. So I can envision transmission networks crisscrossing the state of texas. Probably not in my life time but down the road somewhere. I would hate to

-- I don't think this precludes us from looking at that, but by virtue it's not in the resolution, I just want to make clear I think that's something we need to keep our eye on and look for opportunities to participate in. I believe the number I saw was more than 60% of the entire expenditures for water infrastructure are intended for that kind of infrastructure. So we'll go to the speakers. Bill bunch. And donating time is david king. So you have up to six minutes.

[08:17:34]

>> Thank you, mayor leffingwell, mayor pro tem cole, members of council, I'm bill budge with save our springs alliance. You should have all received a letter, a joint letter from austin sierra club, environment texas, clean water action, save our springs alliance and paul robbins yesterday addressing our current water situation and water planning. And it fits with this resolution that's on the table. Very much appreciate councilmembers bringing this forward, getting some public light on this and some direction from council. And we support the resolution, in particular with the changes that were enumerated by councilmember riley. I just want to make a few other points, though, that I think is really critical here. Back in october when mr. Meszaros was here before you, he mentioned in sort of an off-hand way late

in the afternoon without much attention that they were negotiating to acquire more water. In a recent statesman story on this, he backed off and tried to say it wasn't negotiating. Or suggested that maybe it wasn't. There is no direction from council to the water utility to go negotiate additional water acquisition. The requests we've done nevertheless point to exactly those negotiations for carizzo to be pushed from from bastrop, lee. I think it's critical to cut this off until this public process and public framework that set out our needs and our options. And to have that clarified. I gave you a copy of our letter. It's right in front of you, from yesterday. Calling for this public process where council sets the direction, sets the framework and looks at our options, and you have a stakeholder process much as the generation plan stakeholder task force you just created. The next piece of paper is my information request to the water utility, followed by some legal bills that, as you can see, are 100% redacted. And those legal bills are under a contract that you did approve back in may of LAST YEAR, MAY 23rd, TO Work on the lcra water management plan. Now, what it appears is there's staff taken improper liberty to shoe horn contract work to acquire new water that has nothing to do with the lcra water management plan under there and then sort of not tell us how much is being spent. As you know, there's a limit in the charter that you can't -- the city manager can't spend more than 40 some odd thousand dollars without council approval. And he certainly shouldn't be spending money on one approval for something that wasn't part of that approval. So we have a history of this, the council -- excuse me, staff hid the legal bills for almost a year when the big '99 water deal with lcra was negotiated. Hid that from council. And that's completely documented by ken martin in a lengthy piece from good life magazine. So this isn't, you know, paranoid concern. We need this to be a public process, we need it to be an honest process, and y'all need to be in control. So I hope we'll get some straight answers today, not 60 days from now, on what is and isn't happening in terms of carizzo wilcox water negotiations. Thank you for your consideration. Again, thank you for bringing this forward. It does need to happen.

[08:22:07]

>> Mayor Leffingwell: Councilman spelman.

>> Spelman: I have a question for mr. Bunch. Bill, I'm looking at the text of the original resolution and thinking through what it is councilmember riley suggested as an amendment and one of the amendments was to remove that clause about regional transmission systems and partnerships.

>> Right.

>> Spelman: It seems to me that regardless of whether we think they are a good idea or a bad idea, if they are on the table and there's something that greg and his staff are talking about or there are people who are putting these things forward and talking to them, it would be good for us to know what they are. So if there were a way of rewriting the resolution so we're not suggesting this is something we want him to do, we're not directing him to go forward to do it, but inviting him to tell us what it is he's talking about or what options might be available so we can have them out on the table where we can all see them, that would be useful for open government. Does that make sense to you?

>> It does, and I appreciate you raising that. My take on that it's still referencing ground water. It's not saying you can't do that.

>> Spelman: Sure, of course not.

>> But there's some regional partnerships out there that people are shopping to us that would be an absolute nightmare for Barton Springs, for the city's Imagine Austin plan, Hays County, other folks want us to help pay to bring pipelines into the Hill Country for massive development. So that is my concern that those words not be there to suggest that's a good idea that you are endorsing and you have no idea that's what you are endorsing.

>> Spelman: Sure.

>> So I think taking it out, just saying ground water, you know, they can look at that stuff or if you want to say regional partnerships that absolutely prohibit anything that would subsidize or people delivering water into the watershed you can say something like that but there are crazy schemes out there that people would love to have the Austin utility ratepayers bank roll and help finance that are not what this city has been about for 20 years and it's absolutely contrary to Imagine Austin plan.

[08:24:34]

>> Spelman: I understand your point and I special don't want the city of Austin ratepayers to be bank rolling any grand schemes primarily for the benefit of developers in the Hill Country or anywhere place else, but I would want to be sure that Greg gets the message if there is something out there which he's been talking about or which is out there in play we ought to know what it is and we can talk about it and come up with the same conclusion because I think I understand where you are coming from.

>> Mayor Leffingwell: Mayor pro tem Cole.

>> Cole: Thank you, Mr. Bunch, for your presentation. I notice

-- let me back up. One of the things that I've been concerned about is that we don't have a council subcommittee to deal with infrastructure, a council committee as opposed to a citizen task force, and that was one of the things I wanted to do with Austin Energy when we decided to do that, but we decided that was too much work that needed to be done on Austin Energy. And a lot of the issues that you are raising I think need to have a vehicle to come to at least a subset of council and then full council if so recommended. And maybe in addition to a task force, but they sound like they are going on and they involve large dollar amounts and things that we are not kept abreast of. So

-- and then we have several organizations saying that they want a task force. And I just want to say that I'd like to set some of these items either on an existing council subcommittee or to go ahead and try to make a different council subcommittee to deal with infrastructure issues. And I wanted your opinion on that.

>> I think that's probably a good idea, but I do think that, for example, if we had had a real stakeholder process with full

-- fully embraced participation by the Chamber of Commerce and RECA before we did Water Plant 4, we wouldn't have done Water Treatment Plant 4. And we shouldn't be repeating those mistakes where the interest groups that care about the future that have a say so on these big, big picture important items are not brought together and forced to engage each other in a process. We don't have a water plan. Imagine Austin Plan, if it was a real competence I have plan, would have had two or three chapters on water. We haven't done a real water PLAN SINCE THE '90s. And we're paying the price for that.

[08:27:24]

>> Cole: I want to understand better when you said if you had had a real stakeholder process with the chamber and reca, we would not have built water treatment plant 4, are you saying they would have been a part of that process and came to the same conclusions that the environmental community came to?

>> Absolutely.

>> Cole: Interesting. Thank you, mayor.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I want to follow up on what councilman spelman wag says because I agree going down the road of regional partnerships and having the austin payers bank roll peel, I agree we don't want to do that. This resolution, I just want to point out this resolution calls for a comparative analysis. And it seems to me that it would be important that the comparative analysis that we're calling for ask some questions like will this approach enhance and encourage development over the edwards aquifer. Will this approach bank roll people at the expense of austin ratepayers and things like that. And so to me this is a way, an opportunity not to tell them to negotiate anything, but for us to start making choices about what we want to do and if we can have the real

-- real assessments on the table, then we can have it done transparently and hopefully this council and the public would say yeah, that's not the way we want to go. So while I understand your point and I understand the way it's crafted councilmember riley's amendment, it's still going to say ground water, we can still do that, but I want to highlight if we have knowledge about that, that that in the comparative analysis and we be real clear

-- we'll be real clear mr. What we want to do. Does that make sense? Eat does. The original wording seems to endorse that might be a good idea.

[08:29:35]

>> Morrison: And I'm focusing on the previous sentence that says let's do a comparative analysis. I think maybe it's all understood now. I hope mr. Meszaros understands the

-- maybe I'll ask him, that, you know, if you have some knowledge about the potential for regional partnerships, I'd like to know in the

-- based on ground water and the comparative analysis how much they would cost relative to other things and what kind of impacts they would have a development. Is that going to be feasible?

>> I believe so. I didn't hear the full amendment to the resolution. I just would say that as we've been discussing previously we're in a very severe protracted drought, lake levels are likely to go into emergency level as early as june, all time low. Our utility is out there exploring, investigating, discussing, talking, learning about all kinds of option we can take and we'll need to take to get us through this drought. That we don't know when the drought is going to end, we don't know how severe it's going to get. We know we're near emergency levels and may be past those this summer. What I'm hearing this isn't going to limit us to discuss and learn and bring to the council various alternatives to get through this drought. Our focus is not on water supply development 15 and 20 years from now, it's how do we preserve, protect and prolong our water supply to get us through a drought that is in many measures

the worst we've ever experienced.

>> Morrison: And I do want to point out that the resolution does reference short, mid and long-range needs so I think that it covers what you are talking about and I think we're probably all on the same page that

-- well, I think we're on the same page in terms of what this resolution is asking for.

>> Mayor Leffingwell: And I thought I heard you say we're certain to reach emergency levels by summer?

[08:31:39]

>> Only god knows it's certain, I suppose, but that was overstatement. There is risk of emergency levels.

>> Mayor Leffingwell: I would be careful about that. Councilmember tovo.

>> Tovo: I have a question from mr. Bunch.

>> Mayor Leffingwell: We do have one more speaker.

>> Tovo: You offered the suggestion of having a stakeholder process and I wonder if you could elaborate on that a little bit. That seemed like a good suggestion in our discussion.

>> Well, just much as you recently created this task force for the austin energy generation plant to bring in, you know, stakeholder group representatives to engage and look at, you know, what to do with the future of austin energy generation, that we would benefit from a similar process for on the water side. And initially on fairly short, you know, constrained thing, but when we get into it, you know, it might turn out to be something bigger than that.

>> Tovo: So we've had some stakeholder processes related to water, but this would really be to bring stakeholders together working with the utility to really craft a water plan, a long-term water plan.

>> Yes. Well, at least look at the options that they are working on aggressively to address this sort of drought needs. You know, water shortage circumstances. Which, you know, they seem to be acutely attending to. So it would be both the short and long-term look.

>> Tovo: Thank you, that's very helpful. I think that's a very good suggestion. I initially thought I might propose that as an amendment to the resolution on the table, but it's my understanding that staff are intend to go present to us in april in executive session and I think you were intending to present some of the information that's called for in this resolution in may so that might be more appropriate time to evaluate what the next steps are, but I agree it sounds like a very focused representative group of stakeholders could really help us

-- help us with this issue.

[08:33:59]

>> Mayor Leffingwell: Mayor pro tem cole.

>> Cole: I have a question for councilmember tovo. Exactly why do you think we could not make an amendment to the existing resolution now?

>> Tovo: I think we could. I believe we could and I would be happy to if there's a will of council to make that amendment.

>> Mayor Leffingwell: I think a legal opinion.

>> Tovo: I'll just give you my nonlegal.

>> Cole: We're not posted.

>> Tovo: I don't know whether there's a legal challenge. My reasoning for not bringing it forward is staff are prepared to report back about some of the information, with some of the information that's contained within this resolution in may and so that

-- at that point we might be able to give a charge to that group of stakeholders that is a little more focused. But that's just a thought. But I do agree with mr. Bunch and the others who have suggested it that a stakeholder process along the lines of our generation lines task force update would be a very useful thing for the city.

>> Cole: I would like to ask for that legal opinion about whether we could make such an amendment.

>> Mayor Leffingwell: We're working on it. Right now we're not posted for that.

>> Cole: We're not posted.

>> Mayor Leffingwell: Paul robbins. Set the clock for three minutes.

>> Council, would you please look at this chart. The blue line shows that austin water use per capita has fallen 17% in the last seven years and these numbers are frequently trotted out by the austin water utility to show what a great job the water utility is doing in its conservation programs. But the utility never shows you the red line, the run that exhibits that rates increased 70% in this same time period. Using conservative modifiers for what's called pricey price elasticity, 53% of the alleged conservation is coming from high prices. Using consumption modifiers that

-- other consumption modifiers that are higher, you could estimate virtually the entire water savings is due the high prices. This is the first time I've presented this chart with the two axes that cross at x. If the cost of more water supplies raises prices, it will have a paradoxical effect of lowering consumption. The other point I want to make is that along with this report on cost on to various demand and supply side options, there needs to be a menu of ways to reduce the budget. I mentioned earlier that delaying -- delaying the commissioning of water treatment plant 4 will save money, but there are other ideas as well. You could use the current general fund surplus to mitigate costs. I remind you that when you sold the land at the former green water treatment plant, the water utility, the owner, did not receive a penny and this might be a way for the general fund to pay back the water ratepayers. We could start using leak resi polyethylene pipe. We can lower the cost of the water utility's electricity while still having the water plant run on renewable energy. These are a few ideas. There are probably many others and they should all be put on the table with this requested report. Thank you.

[08:38:23]

>> Mayor Leffingwell: Paul, actually I've already suggested that one of the possible uses- [multiple voices]

>> yes, I remember hearing that.

>> Mayor Leffingwell: That's something we agreed on.

>> One of the few things we agree on.

>> Mayor Leffingwell: But there are lots of opportunities there. For example, austin water utility I believe pays about \$4 million extra for the electricity that it uses just to be a member of green choice.

>> Correct.

>> Mayor Leffingwell: That's a

-- that's one of those opportunities. And there are a lot of expenses in the water utility that don't have anything to do with [inaudible]. I think those ought to be looked at. Councilman spelman.

>> Spelman: Paul, just a question, professional courtesies, what pricing list did you use to come up with 53%? 17, which is what the water utility uses. As you astutely pointed out in a former conversation on this, if you use .30, virtually all of the conservation savings would be due to prices. 94%, to be precise.

>> Spelman: Thank you for being so precise. I appreciate it.

>> Mayor Leffingwell: Okay. Miss arrows, did you want to say something in response to that

-- mr. Meszaros, did you want to say something?

>> If I could comment on that, would that be okay?

>> Mayor Leffingwell: I will ask you, what is your comment on that. That will solve that problem.

>> Councilmember proposed to strike the clause that says we should not be evaluating regional transmission systems and spartanburg partnerships and I understand mr. Bunch's concern about promoting water supplies and systems into the edwards aquifer area, but when we strike this whole clause, I mean I'll just give you a example. There's an existing transmission main in the 130 corridor that is very close to some of our infrastructure and we've been talking kind of exploring what kind of water might come from that to maybe complement through the drought. That's not our transmission system, that's a regional transmission system. I would like to continue those conversations. That corridor has room to build another transmission main. I'd like to at least be able to talk about that and maybe bring that to the council. I'm not saying that that's what we bring over the edwards aquifer, I'm just saying we should have the option to talk. And striking the word partnerships, there's all kinds of at any time four partnerships. Quite honestly we're engaged with important ships now. The lcra, all the firm water customers have formed a group that works with firm water supply protections and we are involved in discussions with that group and I would not

-- I'd hate to not be able to talk to any other partnership. Councilmember riley, maybe that's not what you meant by striking that, but with all that removed, I just don't want to be too constrained. You made a comment about barton springs. I think that's great to add. We always have viewed and continue to view and are evaluating options for lady bird lake to be a part of our water supply and help us through this drought and how barton springs participates in that. That's great stuff, but it's

-- I just wouldn't be too broad here.

[08:41:58]

>> Mayor Leffingwell: Just for the record, I agree with you on that. I think

-- and I don't think that any

-- the water utility or any other department of the city should be constrained from engaging in long-range planning and exploratory exercises. That money is not spent, substantial money is not spent for any particular project until it's brought back for council approval. Nobody has ever suggested, for example, that austin energy should get specific direction from the council to go look for solar power in a certain part of west texas or look for solar power on the coastal regions of texas. They do this kind of exploratory work all the time to plan for the future and then before any action is taken they come back to the council for approval of that particular project and/or expenditure. And I just think it would be a

mistake to

-- to saddle the water utility or any other city department with that kind of constraint that they can't do any long-range planning without specific direction from council. Councilmember riley.

>> Riley: I believe this is what councilmember morrison was discussing with mr. Bunch, that this is really a matter of wording the resolution. There is nothing in the resolution that precludes

-- that would preclude the utility from evaluating and presenting any options that it sees out there may be available, that might include regional transmission systems and partnerships. What we wanted to avoid, I think, based on the input I heard, was a situation where the water utility goes off and engages in lengthy negotiations with specific partners to the point of actually having a proposal ready to

-- that comes the first time the community sees it when it lands before council fully negotiated ready to sign and the community has been left out of that process. I think that's really what we wanted to avoid.

And in that situation the concern would be, but council directed us to go negotiate those things because of the specific wording in that paragraph. The idea was just to make clear that we're not directing you to go negotiate those partnerships. If you see partnerships and transmission opportunities that are out there, we would like to know about them and to have them on the table so we can all evaluate them and discuss them as part of the communitywide discussion that we need to have. And I agree with the suggestion about a stakeholder group. I think that would be a great way to have that conversation and work these things through. I think the starting point for that evaluation would be to get all the options on the table, that the water utility can identify as being

-- as offering some promise and we go from there. It's really just a matter of wording the resolution. We want to make clear we're not telling you to go negotiate these things and present that particular solution to us, but we do at the same time, if you see opportunities out there, we would like to know about them.

[08:45:08]

>> Understood.

>> Mayor Leffingwell: Thank you for that clarification, councilmember. I think with that understanding that it doesn't preclude long-range planning and evaluation of particular projects before it gets to the point of negotiation, I would be fine with it and I would like to get your take on it.

>> Yes, what councilmember riley described, I think we could

-- I understand that direction.

>> Mayor Leffingwell: Okay. So you don't feel look inhibits the operations of the department.

>> No, I think we can work through that.

>> Mayor Leffingwell: Great. Councilmember tovo.

>> Tovo: Mr. Meszaros, since the idea of a stakeholder group as come up a couple times and hopefully we're going to hear whether that's a possibility to kick off today, what's the appropriate timing? Would it make better since to wait until you return in may and presented what you

-- let me ask this question first. How does the information the staff intends to present in may different from what will be returned in response to this resolution? I know in the q and a you said it aligned. Let me leave it there.

>> I'm sorry, can you

-- what's the question again?

>> Tovo: The question is, in may you intend to return and present some information to council. How is the information that you plan to present in may

-- how does that compare to what you

-- what you will be returning in what is it, 90 days? 60? I guess it's basically the same timing and it will be comprehensive.

>> I think it would be complimentary to that. I think our focus in may is going to be a little more wrapped around the short and intermediate steps we need to take in regards to the drought. How we successfully continue to get through this drought. So that's really the main focus of not only an executive session on some legal matters associated with that but then what we come back with in may. As a part of that, we can give you a sense of longer term water supply development concepts that the utility

-- we haven't developed this recently, but we've had on our ready screen, I think we could provide insights into that, but we're really focused on the very short term, what kind of steps can we be taking in months and years ahead to make sure we're getting our community through this drought successfully.

[08:47:43]

>> Tovo: So in april and may you will come to town and present considerations and alternatives with regard to short and midterm levels and in june you'll be back with some more analyses about longer term.

>> Our deadline for this would be may. 60 days would be may. Right, march, april, may. We would try to provide as much input at least in the briefing as we have, as we can to suffice this resolution.

>> Tovo: So you are going to combine those two. I was thinking june because we're at the very end of march.

>> Yes.

>> Tovo: But you intend then to combine those directives?

>> Yes.

>> Tovo: Into one presentation back to council that's responsive both to the areas you intended to come forward and talk about as well as the additional items in this resolution.

>> Yes, but you will probably have more details on the very short-term side of this and emphasize a little less the long-term side of this.

>> Tovo: What time frame do you think it would be useful to have a task force convening?

>> Are you asking to help us respond to drought?

>> Tovo: To respond to the alternatives. What would you think would be a useful time frame.

>> If council's direction they want a special unique task force, we should do that as soon as possible because this drought is moving very rapidly and we

-- we need to be very nimble in our response to this drought. And I'll just speak on behalf of myself and the staff, we are

-- we are saturated with work in response to this drought. We have dozens and dozens of various matters that we're working through. We've already started reconvened the financial joint subcommittee, I have a drought briefing each month, we're engaged in several regulatory issues with

tceq, emergency order renewals coming up in april, another one this the fall, long-term water management plan revisions coming out in april that we'll likely be involved in, maybe contested case, working with water customers, lcra has a large rate case that we're going to be involved in. All of that is connected to the drought and, you know, whatever the best way the council wants us in the community to engage with that, but it's going to have to happen in a way that is I would say not overly burden some been is nimble because the drought is not going to stop for us. It's going to keep rolling on and until we break out of it, we are going to have to intensify our responses to that.

[08:50:31]

>> Tovo: Thank you. And thank you for laying out all the steps you are taking. Thanks to the sponsors in bringing in forward. Am I right in the legal posting

--

>> Mayor Leffingwell: We're not posted.

>> Tovo: It sounds like there's interest in seeing that move forward, but thanks to the sponsors for taking the step.

>> Mayor Leffingwell: I'll entertain a motion on this item. Councilmember morrison.

>> Morrison: I want to make one more comment to give some thought to if there is going to be a task force. Mr. Meszaros mentioned the joint subcommittee that has resource management commission representation, water and wastewater and impact fee advisory. There might be

-- if you are going to give thought, councilmember tovo, to bringing forward something, you might think about how that could play in because there's obviously real expertise at the table. At this point they are probably focusing on the financial aspects of it, there might be some framework there.

>> Mayor Leffingwell: Councilmember riley, did you want to make a motion?

>> Riley: Move approval.

>> Second.

>> Mayor Leffingwell: Move approval

--

>> Riley: With the amendment.

>> Mayor Leffingwell: Motion for approval by councilmember riley. Who was the second? Seconded by councilmember martinez. Councilman spelman.

>> Spelman: I would like to propose an amendment which I hope will be perceived as friendly. Given our direction to greg has been sent and apparently received, I think we all are on the same page. There's no harm in explicitly stating that

-- in this resolution that regional transition systems and partnerships are things we would like to be on the table. Whether we choose to accept them, encourage them or whatever else, at least if this is something which people are making pitches to mr. Meszaros, he's in early talks to flesh them out, we ought to know about it and I suspect he would bring them forward to us, but let's put the regional transportation systems clause back in.

[08:52:40]

>> Mayor Leffingwell: Motion for amendment.

>> Spelman: If it's not a friendly amendment

--

>> Mayor Leffingwell: Friendly amendment, councilmember riley? I think you expressed that's the intent.

>> Riley: You would vote for the motion?

>> Spelman: I'll going to vote for it either way but I think it's better public policy

-- we're having conversations about regional transmission systems, let's talk about it.

>> Riley: I think I can live with that, but I would like to get clarification from staff. The certain I've heard is that by including that language that staff would take that as direction to staff to negotiate specific partnership agreements and present those negotiated agreements to us for approval. And I have heard some anxiety in the community about doing that and we just heard mr. Bunch outlining some of those concerns. And you understand

-- I just want to ask, do you understand that there is a community concern about actually negotiating agreements, that while we do want to know what possibilities there may be out there, there are

-- there are differing views about how valuable such partnership agreements might be and so we would want to have a thorough community discussion before actually proceeding with formal negotiations to enter into actual partnerships? Do you understand that partner?

>> I do. I don't know exactly what the definition of negotiate means. If negotiate

-- if it doesn't preclude us talking or asking

-- I get calls all the time about we have an idea for a water supply for you all and I don't consider that negotiations. I mean I listen to them, I mean to me negotiations is changing terms and trying to work on contract language and you bring this for approval. We're not engaged in any level of negotiations with ground water supply of that nature, but we do ask how much water are you committed and how much can you push through that pipeline and do you have plans for any other pipelines. We certainly understand the sensitivity of any transactions that involve bringing water into the edwards aquifer area. I know that's the third rail. I don't want to

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[08:55:06]

>> Riley: Okay, well, I think we have a common understanding and maybe I should ask mr. Bunch and see if he was among those with this concern. Bill, if you would just briefly speak to this. I think you understand the position we're in that there is some

-- we want to be clear about the direction we're giving staff. And the idea is we do

-- yes, we do want to know about what possibilities may be out there with regard to transmission and partnerships, but we don't want to go so far as to actually negotiate agreements and have them presented for approval. If we all have that understand, then do you still see a problem with including a specific reference to regional transmission mains as indicated in the original proposed language?

>> I guess I'm okay with it as long as it's understood that what they should bring to you and the community is a range of options on an equal playing field. And not here, do this deal, but we looked at these other things over here and they are no good.

>> Riley: Okay. Good. I think we're all on the same page and with that understanding I'm okay with putting that phrase back in there.

>> Mayor Leffingwell: That's accepted by the maker and second putting the language regarding transmission lines back in. The original language back in.

>> Riley: And still keeping the reference to barton springs. Right.

>> Yes, and if I could just say, you know, that was our

--

>> Mayor Leffingwell: Mr. Bunch

--

>> that was our original source of water and we should have never abandoned it and when we did, we were promised that that's not what we were doing. That we were going to rebuild green in east austin. The springs have never gone dry. We shouldn't abandon them. Especially not to go like drain somebody else's springs. We should invest in protecting their flow both quantity and quality and use those flows under our run of river rights, they are right here. We might could even turn

-- rebuild a small drain if we need to. I think paul was right earlier. Water efficiency is still the cheapest, most reliable source that we have.

[08:57:31]

>> Riley: I think we're all on board with putting the transmission language back in and keeping the reference to barton springs.

>> Mayor Leffingwell: Those in favor of the motion say aye

-- did you have a statement, city manager?

>> I just wanted to make a point that you all have talked about the joint commission. The memo is coming out today, the city manager has pulled that group back together to look at the business model of the water utility, potential drought rates in may and june. That group is going to do heavy lifting to develop some alternatives. Didn't know if you knew about that. I thought it would be wise to know that in your discussion. Doesn't really affect this resolution but I wanted you to know that information is coming out today.

>> Mayor Leffingwell: Appreciate that. All in favor?

>> Aye.

>> Mayor Leffingwell: Opposed say no. That passes on a vote of 7-0. We'll go to I believe it's item 40. Item 40 is pulled by councilmember riley also and we have a number of speakers. All right. David king. I ass angelica noyola is not here so you have three minutes. Joan bartz will be next.

>> Thank you, mayor, mayor pro tem, councilmembers. I'm here as a member. Anc executive committee and we are concerned about this resolution. And we have some

-- the questions about will this proposed ordinance or ordinance that comes out of this process, will it

-- will eliminating site area requirements reduce affordable housing in bmu projects. We have very successful projects in the zilker neighborhood where I live where they have onsite affordable housing for families. It's been successful and effective. We're very concerned this could end up negating all of that.

So we want to make sure those concerns get addressed and through this stakeholder process on this.

Will eliminating parking requirements push parking to adjacent neighborhoods? That's a serious

concern. In other cities that have implemented micro unit ordinances have seen those problems and have had to come back and address those problems. I hope that we will learn up front so we don't have to have the problems occur, then come back and fix them. Is the transit water and wastewater infrastructure in place to support the increased density that this will bring? Will this ordinance encourage developers to scrape single-family homes and replace them with micro units. That's occurred also in other cities. Will

-- what is the minimum size of a micro unit? Is it 200 feet, 200 square feet? What is the minimum size? I think

-- that's a significant question. And why rush this ordinance right now? The code next process has taken a comprehensive look at zoning and housing in all the neighborhoods across the city. So why are we

-- why are we cranking up a parallel process and rushing this through right now. And when we rush things through the process, we usually have problems that we have to come back and solve later on. A USA Today article reported that in Seattle, which has led the nation with hundreds of dorm-like sleeping rooms as small as 150 square feet that a backlash is taking hold. Boarding house style buildings have replaced single-family homes in residential neighborhoods prompting complaints by neighbors about parking, parking problems, tangency and fire hazards. The city had to respond

-- the Oregon newspaper reported the city of Portland had to come back and implement minimum parking requirements for micro unit developments due to complaints by neighborhoods. In a city survey confirmed most of the residents of micro units

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[09:02:04]

[buzzer sounding] still own cars and parked them in nearby neighborhoods. Police don't rush this ordinance through. Thank you.

>> Martinez: Mayor pro tem, next speaker is Joan Bartz.

>> Cole: Joan Bartz. I am reading amendments.

>> Good afternoon, council, Joan Bartz, University Hills. When I did my research for my master's degree one of the things I learned was this. In any legal document such as this resolution it's not what it says, you need to worry about what's not said. And in that regard there are things on here which fall into that category. In particular I was interested in that it says in the second whereas, identifies the need to retain the character of older innercity neighborhoods. What it doesn't say is what about the older noninnercity neighborhoods such as University Hills and all the others around there? Whatever is approved on this is just a prelude to what's going to come down the pike to us and we know that. We in University Hills are well aware that a major element of the Imagine Austin program, the revised IDC, and real estate interests is to decimate the single-family nature of University Hills. This would be an added element. We have no illusions about that. I wanted you to know that. The language is very deceptive. It does hint on the second page of this resolution when it says located on core transit corridors, future core transit corridors, which we anticipate will happen if the city has its way in University Hills. Just want to give you heads up, we are very aware of what is planned for our area by the elements I have already documented and we have documentation, as you well know, to that effect. We want you to know that we are going to be watching this very closely regardless of how the vote goes on this. If you approve it

-- I mean not this, if you ultimately approve the micro units housing, that's a prelude to what's going to come down the pike so we're already doing our research and our documentation and gathering the proof that is needed. I want to borrow in conclusion very quickly some words that councilmember morrison used earlier in regard to another subject. And that is you cannot afford

-- again, I'm talking not about this resolution per se, but about the ultimate approval of the micro units housing, you cannot afford to do that in a

-- in an insulation, in an area of insulation, an attitude of insulation. You've got to do it in the overall context of the entire process. And needless to say we will be back to address this further. Thank you.

[09:05:27]

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Thank you for being down here. I just wanted to give you a little information, a future core transit corridor is well defined in our code, it's not a general term and I'm going to capture them and email they will.

>> We'll added to the archives of our information. Thank you.

>> Mayor Leffingwell: One more question for you, ma'am. Mayor pro tem cole.

>> Cole: Ms. Bartz, I understand that the language in the second whereas was somewhat disturbing to you because we're only talking about older innercity neighborhoods as opposed to neighborhoods in general.

>> I know you are now, but that's just a prelude. This opens the door and the precedent will come in its a success, why don't we do it further out. We like to think forward. And as I said, we're just gathering our troops and being ready to take care of whatever comes down the pike.

>> Cole: Would you prefer this language to not refer to older city neighborhoods but neighborhoods in general?

>> City neighborhoods. Be honest. And I know honesty and clarity and legal opinion, that's the ultimate oxymoron, but what can you say?

>> Cole: Thanks. Thank you, mayor.

>> Mayor Leffingwell: No arguments there, I guess. Vernon griffin. Vernon griffin is not here. Susana almanza is not here. So those are all the speakers that we have. Well, just a minute. Stewart hirsch just signed up. I was just doing my final click.

>> Mayor and members of the council, stewart hirsch and like most in austin I rent. Unlike most of the -- what you've probably heard through email traffic from affordable housing advocates, I support what is before you today. We've had micro units on the books in this town for the 40 years I've lived here in the building code. It's 220 square feet. It's a way you get to affordable housing for individuals and couples. Not so much for large families. And I think this council has priorities in terms of achieving affordability without necessarily using public dollars and a robust conversation about size of units and how that can relate to preservation of the single-family character of single-family neighborhoods as well as the real parking needs and how we can achieve affordability without always having to spend a public dollar is a conversation worth having. There are some in this community that I keep having dialogue with both at the staff and the commission level and among citizens who feel that all these conversations should be postponed till we take up code next. But we can't afford to do that because every year that we don't

potentially look at this tool is a year that it costs us more money to actually serve the poor effort among us, and that's our goal is to serve the poorest among us. And later this evening you are going to take up the issue of what our needs are and the needs assessment on your agenda and I think what has been proposed by the proponents of this ordinance, this resolution, gives us an opportunity to talk about potential code changes long before code next. It's a conversation worth having and I totally support what's on the agenda. Thank you very much.

[09:09:04]

>> Mayor Leffingwell: Councilman spelman.

>> Spelman: You mentioned there have been proposed for, for 40 years.

>> Under the building code for 40 years.

>> Spelman: You can go as low as 220 square feet.

>> Yes, sir.

>> Spelman: I haven't seen any of these come across the pike. Have we had any built?

>> I just built some last august. Totally accessible. 220 square feet is what you need to comply with code and additional 130 square feet is what you need to comply with the most robust accessibility standards for people with disabilities. When you get to one bedroom, it's 550 so it's slightly above that treasure hold. Some of us

-- threshold. Some of us have done a lot of them, recently, with current construction costs and we can bring those insights to the table to those who have been building something bigger than this. A lot of the folks we serve don't have cars, a because we ant afford them and b because they have physical constraints to be able to drive a car in the first place. This creates an opportunity for those extremely poor people to potentially have housing in d.M.U. Quarters and the other things the resolution talks about that they might not otherwise have and to do that in partnership with market race developers. That's why I support the resolution.

>> Spelman: Am I right in guessing the reason we don't have as many because there are not very developer who know what you know which is there's a market for it.

>> Yes, the market

-- there's a very attractive market for bigger units and you get less revenue with smaller units and given the fact you have choices and your rate of return on investment can be much higher when you don't serve poor people than when you do serve poor people, people make the choices this the marketplace that they make.

>> Spelman: Thank you, sir.

>> Thank you.

>> Mayor Leffingwell: Councilmember tovo.

>> Mr. Hirsch, thanks for being here and sharing your experience. So the site development standards have not been con constraining the building of those units?

[09:11:13]

>> Standards that constrain those are zoning regulations currently. If you want to take a deduction in

the amount of on-site affordability that you are required to do, you have to prove that you are congregate living instead of multi-family. In order to do congregate living in multi-family so you have to get an additional use permit which is an extra hearing at the planning commission and appeal to city council. If the only way you can do congregate living and actually take the reduced parking as entitlement currently is to be in m.U. Zoning and allow with vmu or m.U. Zoning is the most expensive lot you can buy. It's even more expensive than the plain old cs lot. People generally won't opt in and there's very little vacant land that's got an m.U. Entitlement so if you are seeking m.U. Entitlement the logical thing to do is to not pay attention to affordability and just build it with the constraints that are in place. That's what people do. This resolution creates an opportunity to talk about a different way of approaching it.

>> Tovo: But you are currently constructing those micro units in any m.U. Zoning?

>> I built one, a project for a not for profit on an m.U. Site, I built a separate series of those on a mf zoning with a conditional use.

>> Tovo: Those are the two mechanisms. I don't think we've discussed this in our previous conversations.

>> You can do a micro unit without

-- you can do a micro unit without taking a parking reduction and I would argue you could get a 300 square foot house if any banker would loan you the money to do so. Currently under the code. So it's not an issue about the size, it's an issue about the relationship of the size to the parking requirements.

[09:13:21]

>> Tovo: So just to be really clear, m.U. Zoning, you've done micro units on m.U. Zoning, on m.F. Zoning to take out the parking reduction you had to get a c.U.P. For congregate living.

>> Yes, ma'am.

>> Tovo: Thank you.

>> Mayor Leffingwell: Councilmember Riley.

>> Riley: Just to follow up on that last point about the parking requirements, even getting as many parking reductions under the code, you are still going to be required by the code to provide some parking on site. Isn't that accurate?

>> Yes, sir.

>> Riley: And even if you are the entire target population for your project is

-- does not drive cars, whether because they can't afford cars or because of some physical limitations, even if none of your target population would have cars, our city code still says you must build the parking to

-- a certain amount of parking to go with those units. Isn't that right?

>> That's correct. The difference is in standard mf zoning you have

-- that's not congregate living and doesn't have a c.U.P., You are generally building one parking space per bedroom. When you layer on the conditional use permit or you have m.U. Zoning and you are doing congregate living, you are now providing one parking space for every four beds. So that's functionally a 75% reduction over what the code would normally and for us hit like \$350 a month rent, that's a very significant reduction in terms of the amount of onsite parking we have to provide. [One moment,

please, for change in captioners]

[09:16:00]

>> the previous one had mf so we sought the cup, but literally what it was is instead of calculating one parking space for each efficiency, one parking space for each one bedroom, two for each two bedroom, because it was congregate living in a civic use and we could prove that it met the standards, instead of providing more than 40 parking spaces if they were all efficiencies, for example, we would have only had to provide 25 percent of that or 10, so as you go through the calculations for the smaller units, it significantly decreases the amount of land that ends up being parking on the site.

>> Martinez: On the mu site you have 40 units.

>> And a mix of efficiencies, one bedrooms and two bedrooms.

>> Martinez: So how many residents live there? Is.

>> Probably somewhere in the range of 55 to 60 based on more people live in the two bedrooms than live in efficiencies or one bedrooms.

>> Martinez: And how many

--

>> something less than 20.

>> Martinez: And that's including accessible parking requirements?

>> All the accessible parking.

>> Martinez: Do you have any spillover parking that goes to lamar square?

>> No. If you go to any of the properties on lamar square you see all day, all night there are vacant spaces because the people we choose to serve don't have cars. And unless that site is declared congregate living and gets either the cup with multi-family or mixed use zoning, we have to provide more parking than people actually need. And the bus route is right there on lamar at the light.

>> Thank you, mr. Hersh.

>> Mayor Leffingwell: That is all the speakers that we have. I'll entertain a motion. Councilmember riley.

>> Riley: Yeah. I would like to move it approval. I do have a couple of amendments, but maybe we should get a motion on the table before I proceed with the amendments.

[09:18:02]

>> Mayor Leffingwell: Motion to approve item 40 by councilmember riley. And that was seconded by councilmember spelman. Okay. Councilmember riley.

>> Riley: First, one simple one. I appreciate ms. Bark's comments and I didn't mean to provide any more protection for our inner city neighborhoods than for other neighborhoods so I'm fine in that second paragraph, as the mayor pro tem suggested, instead of referring to just retaining the character of older inner city characters, I would suggest we change that to austin's neighborhoods.

>> Great.

>> Riley: Then the next two are outlined on the yellow page in front of you. Before I get into the details of those I would like to say a word about the proposal that is on the table. I mentioned this proposal last week in the context of a discussion about stealth dorms. In response to this development issues we

were seeing, and particularly in certain parts of town, we lowered occupancy limits, but recognized that that really did not get to the root of the problem. The root of the problem is that we have an inadequate housing stock to meet the needs of our community, and that and that failure to meet those needs is manifesting in and it creates real strains in our community and in community we have a real affordability issue all across the community. So the big challenge before us is how we are going to meet the housing needs of a growing population. And it's stated in the first housing policy proposed in the comprehensive plan. Distribute a variety of housing types throughout the city to expand the choices available for austin's diverse population. There are a great many housing needs out there that we are not currently addressing in an adequate way. The housing need relates to the people who would be willing to opt for a housing unit that is smaller than we typically see today and that might have less parking provided than we have typically required in our code in the past. Housing like this could meet the needs of many people in the community, some 34% of our households are actually single individuals. That could include young students who are here in town and don't

-- and feel like they can meet their needs without a car. It could also include our growing population of seniors who may have issues that prevent them from driving or maybe they just want to reduce amount that they have to drive. And they also don't need as much space as they did as another time of their lives. So this is one type of housing that could meet that need. Now, I understand that there are obviously challenges with affordability in many ways. We have many mechanisms in place in the code today that have been crafted over the years

-- as an effort to address affordability issues. And I appreciated councilmember spelman's framing

-- describing in the work session the other day the way this particular proposal compares with some others. Many of other ours focus on income qualified populations and so we generally

-- we often see some increase in the housing units

-- some of the housing units in a project in order to provide affordable housing at certain income levels for others in that same housing development. That is an important way of addressing affordability and as we've seen, we have seen many successes with that and we certainly want to see those successes continue. There are other ways of addressing affordability as well. And by that I'm referring to regulatory requirements that the city imposes that affect all types of housing for all of us, whether we income qualify for certain units or not. The city requires, for instance, a minimum site area for each unit in a project and we require certain amounts of parking for each amount of

-- for each bedroom, without respect to whether the future residents of a project will actually have a need for that much parking. That has certain affordability implications that we just discussed with mr. Hersh. That there are times, especially when we're trying to provide housing for low income populations including people with disabilities, seniors and students, often it's the case that those very populations have less of a need for cars and are willing to reduce their dependence on cars. And yet the code continues to insist that we provide very expensive parking. What we just heard about was the creation of surface parking along one of our core transit corridors that sits vacant. I would suggest that is not an optimal use of the land along south lamar. We could be using that property for additional housing or for other services that would make the corridor more functional for the surrounding neighborhoods and for those who want to walk lounge the corridor and avail themselves of the shops and services it offers rather than having the code require an overabundance of parking that will then sit vacant. So this particular resolution tries to get at the problems of both minimum site area and the parking

requirements and allow for situations when we might want to ease up on those requirements in order to meet this particular housing demand. Legitimate questions have been raised with how that would relate to the current provisions we have in place for affordability, especially in vertical mixed use districts. So I want to point out that the amendment that I have suggested in the yellow page that's on the dais, and in particular under the new paragraph down at the bottom of the page, I'm suggesting that we add a new paragraph that says be it further resolved the amendment process should include consideration of how the provisions allowing microunits should be integrated with current provisions for vertical mixed use developments, particularly in with regard to affordability requirements. The idea is that we are not going to figure all of that out on this moment on this dais, but we see some opportunity to make progress on affordability issues with respect to the ideas embedded in this resolution and that that ought to be part of the discussion going forward. For instance, if you have a vmu project that has certain requirements for parking, then there may be a way that you could allow for further reductions in parking and you could actually get more affordable units in vmu under the current provisions simply by -- you could get more affordability simply by easing up on the parking requirements. Right now it's currently crafted vmu requires you to place a

- to put back a certain amount of parking in place whether it's needed or not. That may not be optimal for affordability. If you're having a certain amount of micro units in there that that should count to the requirement. That you should be having an amount of affordability. Another view might be that because the baller units are likely to be more affordable anyway then maybe we wouldn't want
- maybe we would want to require some lower percentage. I don't know. I don't know that we need to reach that conclusion now. That is something that we could work through in the course of the code amendment process. That is what the amendment process is for is to bring folks together and to address all those issues. And that gets me to the amendment in the next paragraph that I had suggested, the city manager is directed to seek input from housing stakeholders and community development commission and return this ordinance to city council within 120 days. One other issue came up in the work session the other day about decoupling. The idea that one benefit of taking another look at the way we're handling parking is that we can actually separate the parking costs from the cost of the housing units. So that we can open the door to these units for someone who can't afford to pay for the parking and would be glad to have an option where they could just pay for the unit and not the parking. The paragraph that I would suggest is a new whereas paragraph after the fourth one, a new paragraph saying whereas decoupling parking from housing units, renting or selling parking separately, whether or not automatically including it in the price of a living space, typically results in a demand reduction of up to 30%. That is just a note that there are some benefits, that when you separate it out you actually see a reduction in demand. There may well be parking issues that we still have to deal with but we also have ways of addressing those. For instance, in the vmu context we have provisions in place to allow expedited residential permit parking review whenever
- for anyone who requests it and who is near a schrum project. I think I
- a vmu project. I think I should stop there, that makes about three amendments there, and just ask whether those amendments would be acceptable to the seconder of the motion. Spell they are extremely welcome to the seconder of the motion.

[09:28:33]

>> Mayor Leffingwell: So I think I have you down for adding an additional whereas, a new fifth paragraph, and then a new first paragraph under be it resolved and corrections to the existing paragraph.

>> That's right.

>> Mayor Leffingwell: Direction. But I also heard you say something about austin's neighborhoods initially.

>> Riley: In the second paragraph. This only came up in the course of ms. Barks' comment just to make sure that we are concerned about maintaining the character of all of austin's neighborhoods.

>> Mayor Leffingwell: So it would read instead of older inner city, it would read austin's neighborhoods. Okay. So those are the amendments that have been seconded, are now part of the motion.

Councilmember morrison.

>> Morrison: Thank you, mayor. I appreciate councilmember riley's amendments. I think that it's really crystal lies what this amendment is about because when I first read it it said waive site area requirements and parking. That's not really what it's about. It's when when you're decoupling parking from small units look at ways to incentivize that basically. I get that and I support that. I understand we certainly need diversity in housing types and this is one type, so I think there is a lot governor work on that and I understand that you appreciate that it is a legitimate concern that we integrate this appropriately with vmu affordability because we've heard from lots of folks about the success of the vmu program and it's interesting to me some of the numbers that were put forward. I think it bears just commenting on them because I think it was mandy who

-- she probably got it from staff, who let us know that we currently have either on the ground, in work or in permitting 315, I think it is, affordable units from vmu, and those are no public subsidies, they're disburse around town, which is one of the things really hard to do. They are

-- some of them in high opportunity districts. And

-- I'm thinking that vmu went into place pretty much before the recession hit so we had no building for awhile and there was 50 of them that it's all but 50 of them are either you want construction or in permitting. To me it says that 315 minus 50 are basically in the past two years. We're looking at something so that's 260

-- 265. Thank you. And that's 10% of the vmu units. And so that makes 200

-- 2,650. All to say I've also seen a number reported in the paper that says that there's 11,000 units under construction or getting ready to be done. That says that a quarter of our units are on our core transit corridors that are coming online and we're getting 10% of them. So to ensure

-- I appreciate this language. To ensure that we don't get in the way of that, but can somehow enhance and augment that program is very, very critical. So I'm glad to see that. I wanted to put in a couple of other

-- suggest a couple of other things and I just had something out on white paper and since I didn't talk to councilmember riley beforehand because I couldn't, some of this

-- I'll go through and point out the ones that I fill want to have us consider. I've suggested to whereas at the top that basically just describe the fact that we have vmu, that we already have site area requirements waived there and then just noting that it's been effective and we want to make that the new approach doesn't decrease the effectiveness of vmu as a tool for housing affordability. So I'll start

with those two. I would like to see if those two additions for whereases are considered friendly.

[09:32:56]

>> Mayor Leffingwell: Councilmember riley.

>> Riley: I'm trying to understand the second paragraph. It says that

-- because vmu is generally available on core transit corridors and future core transit corridors, reducing or eliminating requirements on core transit corridors and future core transit corridors may decrease effectiveness of vmu as a tool for housing affordability in austin.

>> Morrison: That's what the proposal was, was to reduce or eliminate site area requirements on commercial

-- on core transit corridors. So I just wanted to highlight that it's possible that if we waive it since it's already a part of a density bonus program basically, it would reduce the effectiveness

-- it could reduce the effectiveness of that, which is

-- which then leads to your new language r. Language in the be it resolved. I'm helping you out here.

>> I can follow the argument. I am still skeptical that reducing those site area requirements would decrease effectiveness of vmu as a tool for affordability.

>> Morrison: If you just went in and said you can waive your site area requirements without having to participate in the affordability requirement, I bet that people would just opt for waiving them. So that's what it's responding to.

>> Riley: I'm skeptical to see that. It is just a whereas that just says that it may decrease.

>> Mayor Leffingwell: I thought the whereases were supposed to be facts that supported your resolution.

>> Morrison: If I may, I think it does support your resolution because it explains why we immediate to make sure it's integrated appropriately with the vmu, which is what you added at the bottom.

[09:35:00]

>> Spelman: Mayor?

>> Mayor Leffingwell: Councilmember riley, do you yield to councilmember spelman?

>> Riley: I do.

>> Mayor Leffingwell: Go ahead.

>> Spelman: To seems to me part of the issuing may be a missing clause. If I could ask a question of councilmember riley. Is there a presumption that the reduction or elimination of parking requirements and the reduction and elimination of site area requirements would be somehow tied to the development of a project that included all or part micro units?

>> Riley: Yes.

>> Spelman: So it's not just a blanket, we're going to waive your site area requirements and parking requirements if you're in a core transit corridors. This is in exchange for micro units. We're going to at least consider, not each

-- this is a proposal for a change in the ordinance at this point. We should consider reducing parking requirements, site area requirements, but there's something given in exchange. Whether there is in

addition some requirement for some percentage of those micro units will for 40 years or some number of years be affordable at some level, that's a possibility that could be included and I suspect that's where you're going, but there's a quid pro quo here and it's not just a blanket reduction. So it could be that adding that clause in to the appropriate resolution, therefore be it resolved portion, would avoid someone's concern-- someone having the perception that this is a blanket reduction rather than a quid pro quo. Does that make sense?

>> Riley: I think so. I think it was an endorsement of the language that I was suggesting for the be it resolved paragraph.

>> I don't see in your first be it resolved. I see initiates amendments, direct city manager, develop an ordinance. I see with decoupled parking. I don't see a mention in that first be it resolved of the mightio unit housing.

[09:37:04]

>> Riley: Mayor, it does say four dwelling units under 500 square feet.

>> Spelman: My apologies. Never mind.

>> Mayor Leffingwell: So the question is before you, councilmember riley, do you accept that proposal? I believe you accepted the first whereas, but not the second as of yet.

>> Riley: Could we say that there is a risk of reducing the requirements on cup's and future ct c's could decrease the effectiveness of vmu? I'll tell you, I'm skeptical about that, but I don't mind acknowledging the argument.

>> Morrison: So it would read whereas the vmu combining district is generally available on core transit corridors or future core transit corridors there's a risk that reducing or eliminating site area requirements on ctc's could decrease

-- I can live with that.

>> Mayor Leffingwell: Okay. So that's accepted.

>> Morrison: Thank you.

>> Spelman: Councilmember, is that accepted by--

>> Mayor Leffingwell: Councilmember spelman, is that accepted by you?

>> Spelman: Let me bring back some

-- never mind. I think I can get this one right. May decrease the effectiveness of vmu as possible

-- that it could also conceivably substitute micro unit housing for vmu, which might be good or might be bad. So another way of putting this might be may decrease the use of vmu, which is a proven tool for housing affordability in austin. Would that work for both sides? I'll riled be fine with that.

>> Mayor Leffingwell: Councilmember riley accepts it, but you are the maker of the friendly amendment which is much mangled at this point.

>> I'm trying to unmangle it.

>> Morrison: I guess on a technical standpoint that might not work because people could still be doing vmu. So they're still going to use vmu, but not the

-- not necessarily the site area requirement waiver of vmu. So technically I'm not sure that really works.

[09:39:23]

>> Spelman: Since we don't have any code we're talking about here we don't know whether it's going to lay on top of vmu. That's something which other people will weigh in on and make a formal proposal on.

>> Morrison: I'm not sure if it was decrease the use of vmu. Vmu might continue, but just in a different way.

>> Spelman: If somebody decides this is a layover on top of t. I see your point. Okay.

>> Morrison: So we'll leave it?

>> Mayor Leffingwell: Councilmember spelman accepts both of your revised whereases.

>> Morrison: Thank you for that. The next

-- let me just step back a minute. This actually initiates a code amendment and what I wanted to consider instead was asking staff to do all this and come back with recommendations rather than at which point we could initiate a code amendment. And maybe this is a perspective dan tick discussion. Maybe it's really all the same whether you initiate a code amendment or whether you ask them to come back with the recommendation and then we decide what to do. But for me obviously this raised a lot of concern from a lot of people and part of it was because there was a lack of clarity and exactly what was being asked for. And I think that's getting clearer now. Because there was a lot of concern in community that this was just coming out and I think staff has told us that actually it could be done under the zoning that we have, we're not even sure we all understand when you can build micro units.

>> Mayor Leffingwell: Before we get too far along here, I'm advised by the city attorney that we're not posted for that, to change, to change it to a resolution directing the manager to come back. We're only posted to direct a code amendment. And bring back an ordinance.

[09:41:29]

>> Morrison: Okay. Thanks. I didn't notice that. So I guess I won't do that. I had laid things out differently. As I look at the bullets that I had originally drafted I think they align pretty well to what councilmember riley has already added because I wanted to make sure we analyzed and consider impacts to existing programs. I guess the one thing that's missing that hasn't been addressed is tod's. So let's

-- right. Let me go on. I do want to see about adding

-- seeing if the maker would consider as friendly adding what I have as my second to last bullet. It says include a status

-- this is just to make sure that we all stay coordinated. Include a status on the effort under this resolution in the report staff is coming back to the comprehensive transportation plan committee on our [indiscernible] jobs resolution. So if that would be acceptable to the maker.

>> Absolutely.

>> Mayor Leffingwell: That's the fourth bullet. Accepted. Councilmember spelman accepts.

>> Morrison: And let me raise one other issue. Tod's already waive site area requirements, the ones I checked anyway, the three that I checked. I think maybe I saw that they were on the website. And so I wonder if it might make sense in the maker's additional be it further resolved where it says the amendment process should include consideration of how the provisions, etcetera, play with vmu affordable housing requirements if we might also add vmu or tod. So that would just be in

councilmember riley's second to last paragraph now, we would say vertical mixed use or transit oriented district development. And let me finish by saying I'll support this

--

[09:43:56]

>> Mayor Leffingwell: That's next to the last whereas?

>> Yes. Next to the last be it further resolved for

-- on councilmember riley's yellow sheet.

>> Spelman: So that would read vertical mixed use and transit oriented development.

>> Morrison: Right.

>> Mayor Leffingwell: There are only two paragraphs there. So which

--

>> Morrison: Second to last.

>> Mayor Leffingwell: The second is last is also the first, isn't it? I only have two on mine.

>> Spelman: Be it resolved, be it further resolved and then the last paragraph.

>> Mayor Leffingwell: Yes. The amendment process, etcetera. Okay.

>> Morrison: I will support this. I just want to say that I think we need to be very careful in deciding when we're going forward by initiating a code amendment out right or just trying to really lay out the recommendations. And when you think about it, maybe from a practical standpoint it doesn't change necessarily the specifics of what happens, but in terms of making sure like we engage properly with the public especially and when you have something that's wide open like this and hasn't been discussed and it's getting laid on top of things that were discussed and developed with the community over years, I think it really makes sense to pull back and allow the conversation to happen before the iron clad we are initiating a code amendment and I hope we can keep that in mind as we make our decisions in bringing forward resolutions.

>> Mayor Leffingwell: So that last was accepted by the maker and the second? All right. So we have a motion on the table that's amended. Councilmember tovo.

>> Tovo: I had proposed a few amendments too, but I wanted to speak to the last point that councilmember morrison brought up. I think while the process doesn't change it does set a particular direction in place and that gives me concern about an item where we haven't had a lot of discussion and a lot of different input. And frankly it requires a lot of legal staff's time in crafting those ordinances. And it seems to me that along the way there will be multiple decision points. And it might have been more useful and more streamlined to have some othave some direction. Some of those that ordinance may return to us with some of those decisions premade and they may be very different from what we consider. So I'm going to propose a couple of amendments that I discussed based on some discussions that we've had and some concerns that we've heard. And I would think they're pretty minor. One is just to add an additional whereas that acknowledges a point that was raised in the staff memo. And I'll propose that as a friendly amendment to the maker and second. And that just recaps the staff's initial research suggest that portland's reduced parking requirements for micro units has led to tenants parking on the streets of adjacent neighborhoods, and that sets up some of the information I'm asking staff to come back to us with when they return. I had hoped with some recommendations, but since

they'll be returning to us with a proposed code amendment I would expect it to accompany that or precede it before we have our discussion at council. Actually, I would like that information to be provided to the different commissions that will be addressing the issue.

[09:47:14]

>> Mayor Leffingwell: You could ask for that information without changing the resolution. But do you accept that?

>> Riley: I have no problem agenda the first whereas. With regard to the be it further resolved, I would just note that staff actually has done some excellent work on this and prepared a memo that was very thorough, that discovered the information included in the whereas paragraph that we're dealing with this amendment. So to suggest that we need to do a lot more additional work on top of that to compile further information I'm just not sure that what more staff needs to do at this point because I think the review that staff has done is

-- was some excellent work. Actually, I've heard from people who are interested in micro units around the country who have seen the staff memo and have said it's the best memo

-- best comparable memo they've seen on this from many staff in the country. It was really some very good work. On this subject. And I want to commend staff for all the work they have already done on this. And I'm not sure we really need to direct staff to go and do a whole bunch more work on top of that given everything they've already done.

>> Mayor Leffingwell: Yes on the whereas and no on the be it further?

>> Riley: That would be my inclination unless my colleagues have some strong feelings otherwise.

>> Spelman: I am fine with the yes on the whereas. I think it's a good addition. I might point out that although this is a very comprehensive memo in response to an ifc we passed a few months ago, another one that I believe that councilmember Riley and I collaborated, asking for the barriers to development of micro units, this does not respond to the substance of councilmember Tovo's question, which is okay, now we know what the barriers are. What are the unintended consequences? What have we found in other cities that have adopted this or taken place that we may need to deal with? That doesn't mean that staff hasn't dealt with that, they don't have that information in a file explanation but they haven't provided it to us, at least not in this memo. I would like to see that, as would. And I have no problems with adding her be it further resolved to this as well.

[09:49:32]

>> Mayor Leffingwell: Do you want to change your mind?

>> Riley: I'm fine adding it. I would note that that paragraph that we're agreeing to add came from staff's memo and it's not a barrier to micro units. It's associated with parking that they found in looking at what had happened in other cities. In other words, they did look at exactly that and have provided it to council already and we're including it in this resolution.

>> I'm sorry, I did not realize that we had extensive information on the unintended consequences in this memo. I don't believe that was what councilmember Tovo was asking for.

>> Riley: I have no problem asking for more.

>> Mayor Leffingwell: Staff can reissue the same memo. It was perfect before. [Laughter].
Councilmember tovo.

>> Tovo: I appreciate you accepting that as friendly and thank you, councilmember spelman, for adding a little bit to what I'm asking for. And let me start by saying you have provided a very helpful memo. As we discussed on tuesday I think it would be helpful to look at some of the other cities and you may have done this and it is sitting in a file and you can summarize it for us. I would like to get a little bit more specific information about are there any other unintended consequences, to what extent. I think we want to move forward with this having a better sense of what the success has been. A few of the emails we got, for example, suggested that there may not be a connection to reducing the size and to producing affordable units. I think I would like to see some information about what that looks like and some of the cities that have micro micro units. What are the cost per square footage and I know you've provided all of that information, but a little more would be useful. And so those are some of the issues I would like to see. And we had a discussion on that on tuesday and I don't think we need to provide a lot more. I think some additional details would be useful. The other question that heather [indiscernible] raised to us and mark rogers as well, is whether incentivizing the construction of micro units might or could it work against our goal of encouraging the development of family friendly housing within our central city as well if we are seeing, as we are, the removal, the destruction of older apartments that might have had two or three bedrooms and the replacement of those with efficiencies and one bedrooms if we're incentivizing micro units will that exacerbate that trend. I think it's a good step in allowing us to consider that option. Wetland we have that option, developers have that option here, but considering whether reducing, eliminating some other barriers, might produce more is useful, but I think we also should as some of the folks who have written to us suggest, I think we should turn our attention to figuring out how we might also continue to encourage and promote the development and retention of those family sized units as well and make sure that this is not working against that goal. That's some of what I hope we'll hear more from staff.

[09:52:45]

>> Mayor Leffingwell: All in favor of the motion as amended say aye? Opposed say no. It passes on a vote of seven to zero. Without objection we're in recess until four p.M. Gilliland. Kareem ha jar.

[10:05:19]

>> Mayor Leffingwell: We are out of recess, mr. Guernsey. We'll take the 4:00 items. I believe 53, there's a postponement request on that.

>> Planning development and review department. Yes, mayor, the only item I have offer for postponement at this time is item number 53. It's to conduct a public hearing and consider an ordinance amending title 25 regarding mobile retail sale of goods and to establishing permitting requirements. Staff respectfully requests a postponement of this item to your may 22nd agenda. This is now still being reviewed by the planning commission's codes and ordinance subcommittee.

>> Mayor Leffingwell: We'll explain entertain a motion to postpone item 53 until may 15th. Mayor pro tem so moves. Councilmember spelman seconds. All in favor? Oppose said no? It passes on a vote of

seven to zero. That brings us to item number 54, which is to conduct a public hearing -- this is a public hearing only. No action. So we'll go ahead and go to the speakers. First is Stewart Hersh. Just for the record, this is a public hearing, citizen comments on community needs in order to develop the city's five-year consolidated plan, 2014 through 2019.

>> Thank you, Mayor and members of the Council. I'm Stewart Hersh and like most in Austin I'm still presenting. Every five years we have an opportunity to outline the critical needs of the poorest among us so that our federal and local investments can be a strategic path to success. The poorest among us still need community development investment in early childhood development before their children enroll in school for the first time and in that after school care for children of the working poor after they're already in school. The poorest among us need economic investment and workforce programs that will assist hard working adults to move from a job at minimum wage to work at a wage that brings these individuals and parents out of poverty. The poorest among us need smart housing, not the dumb housing policies of the last century. And smart means safe and sanitary mix of income in the neighborhoods where poor people may want to live, accessible for people with disabilities, reasonably priced rents and mortgages, and transit orientation that makes it possible for people who want to use public transportation to do so safely because their house physically is located close to where they live and accessible public sidewalks are in place when housing is ready to be occupied. Our brothers and sisters in neighborhoods where their houses have been damaged by flooding may need additional assistance to either repair their homes or to relocate to a smart home. The poorest homeowners among us need assistance getting their homes repairable and visitable and it may include payment for ramps and accessibility, long a priority for City Council, but not necessarily a priority for staff boards and commissions. If we don't focus on all of this we will end up with stupid housing, which actually stands for something, segregated by income, tax burdened, utility burdened, plans for the affluent, impediments to repair and deteriorating homes. Please support smart policy so that we may avoid stupid policy. Thank you very much.

[10:09:37]

>> I agree mostly with what Stewart said, our need is for housing, housing, housing, and housing especially at the deeply affordable level of 30% or below. The county just came out with a recent report today that said that the cost burdens are the greatest for renters in the city of Austin and Travis County than they are on homeowners during this runup we've just had. That the rents have skyrocketed, utilities have skyrocketed. Most of the tenants that I deal the first bill they pay is their rent. The second bill is their utilities. A lot of them don't have cars anymore. They just cannot afford them. After utilities it's child care, you know? You have to get the basics down. So I'm encouraging you to consider putting as much money as possible for CDBG into housing and housing issues. Of course landlord tenant issues are right up there. Lots of tenants are having problems, rents are raising, landlords don't want to make repairs. They don't want to negotiate payment plans if tenants get behind. So they need a lot of help. And I also wanted to take a minute to thank the Council for previous years. As you know, federal funding has been reduced and reduced and this -- the City Council has made sure that the programs have stayed whole and I want to thank you very much for that. We need this cigarette in the city of Austin. Thank you

-- desperately in the city of austin. Thank you.

>> Mayor Leffingwell: Jennifer mcphail. And following jennifer will be felix briones.

>> I'm jennifer mcphail with adapt of texas. And we have several points that we want to make today.

The first is about affordability. It's extremely difficult for people with disabilities who are very low income to find housing options in the city of austin today. The median family income for the average person on ssi is about 14 percent the median family income for everyone else. So housing options are even fewer when you factor in the issue of not being able to find enough accessible housing that's affordable to people at that income level. So people

-- many in our group take many months to be able to find a place, and often times have to settle for substandard, inaccessible or less than affordable housing and really struggle to make ends meet. The other major issue that I wanted to touch on is supportive housing should not be the only type of housing we offer very low income people. Many times tax credits get priority and then the next priority in our funding is supportive housing, which leaves very few options for other types of housing. And one size does not fit all. Just because you're low income doesn't mean you necessarily need the same types of supports as everyone else. Those supports that are offered should not necessarily be offered by your landlord. We believe that people should be able to get the supports that they need. We will fight for that

-- we fight for that all the time at the federal, state and local level. So it's not as low we've decided that we're not in favor of people getting support. They do deserve those supports, but my landlord struggles to provide services and housing that they're familiar with. So how is my build then going to turn around and make sure that I get attendant services or any other service like that? I think that you're doing a disservice not only to the service providers, but to the tenants as well. And assuming that everyone can meet those needs effectively because it hasn't been the case. And then one other thing. We wanted to thank you for supporting the visitability ordinance. It was a great victory. We're all very proud of it. We're leading in the country. And that's really a great thing to see, but we also want to make sure that source of income is not

-- people are not being discriminated against based on their source of income. Many times with people who have vouchers get turned down for housing options because of that particular source of income, leaving them unable to have choices throughout the community. You just have to take what comes open. Or wait until someone dies. And that's a heck of a way to find a house or an apartment. So those are the main points that I wanted to hit on, but also to say that we very strongly support the austin tenant's council tenant rights programs. That many of our members have utilized services that they provide and many people with disabilities face discrimination in the community and they've been a great resource and a great help to the community. So please support them.

[10:14:56]

>> Mayor Leffingwell: Thank you. Felix briones? Is felix here? Coming. Okay. And after felix is nancy crowther. Is nancy here? You're here? You can go ahead and

-- I guess there's not room at that table for two. Dead. You have three minutes.

-- Go ahead. You have three minutes.

>> My name is felix

-- oh, sorry. Being an aggie sometimes affects me. [Laughter]

>> my name is felix briones and I'm a member of adapt and a die hard aggie fan. I have to talk about personal stuff. I'm on s.s.I. So in order for me to be able to either decide whether I'm going to pay rent or get food or something, my housing has to be to where I can actually

-- I do not want to live on the street. So we need all the affordable housing we can get because I'm not the only one out there who is trying to survive on the the s.s.I. Check that we get once a month. So my personal reasons are we actually need more of that affordable housing. Luckily I don't live too far from a bus stop or anything like that, which is probably what we're trying to make sure that we're not stuck way out there in the booneys where you can't get a bus or it gets three or four buses to get to wherever you need to get to. But for me just the affordability of housing is what we need to also keep in mind all the time. The visibility is great too for me because I can walk a little bit, but most of the time I need my chair. But if y'all just keep supporting as much affordability for the housing that would be great for me. Thank you so much. And gig especially. 'Em

-- gig 'em.

>> Mayor Leffingwell: Thank you. And following nancy will be katherine cranston.

[10:17:07]

>> Mayor, councilmembers, thank you very much for this opportunity to come before you again and talk about housing. Housing in austin needs to be more affordable. It needs to be

-- have better access to public transit. It's been one of those conundrums that the more accessible the housing the further away you are from public transit and that's just not the right thing to do. I do want to thank you for the visitability. I think that will help to dove tail into a lot of our accessibility and integrated housing efforts in the city. And I also wanted to let you know that discrimination does continue. Welcome to 2013. In austin today people with disabilities are often discriminated against still. And in housing it's a real big problem. So we really do support all the work and support of the austin tenant's council and also all the work the advocacy groups have done in austin. Again, it shouldn't be based on the type of income you have or type of disability you have or any other section that might garner different attributes of your eligibility. So you want an inclusive community. You want an accessible community. We're working that way, slowly but surely. And we hope to see that it's a more affordable. I have been in an accessible hi-rise condo downtown. It was like a little barbie house. I couldn't get around, much like afford it.

>> One of the microplaces probably.

>> It was hard. So I just want to encourage you to keep housing affordable and keep in mind our wounded warriors. Thank you.

[10:19:17]

>> Mayor Leffingwell: Katherine cranston and after katherine will be nattie zions.

>> Good afternoon. Thank you for allowing us to speak before you. First I want to thank all of you for -- the council for passing the visitability standards in single-family building codes. That was a really big win for our community as a whole. I can remember when our organization had worked on the first

visitability ordinance and I just want to thank you again. I actually am a personal care attendant that works out in the community. Well, personal care attendants don't make a whole lot of money. Some of us fall almost as low as people that live on S.S.I., Depending upon the size of our family. And some of us have family members that have disabilities as well. So it's really important for housing dollars to go into affordable, accessible and integrated housing for all people because the reality is that you can be perfectly well and healthy and then the next day you can be a person with a disability and not be able to do your work that you have been doing for years and then need housing. And one of the other things that I would like to say is that we need to

-- austin needs to pass an ordinance banning housing discrimination based on source of income. Many of our members have encountered that and many of my friends that don't have disabilities have encountered that as well. And that's a big, big issue for our city. I'd like to see that happen. , The change in the way that people take applications and all that. The city of austin should pass integration mandate for housing that it funds also. We also support the architect cultural barrier removal program, but it needs to be upgraded. The drop in the usage is due to other agencies providing the same services using scarce state dollars. Other areas don't have local funding. There needs to be better coordination. In addition, application processes need to be streamlined. The funding for the architectural barrier removal should be for access and not for home improvements. These dollars are so scarce and the different organizations that access the adrp dollars, they need to be honest about how they are using the dollars, how they are being spent. It's a slippery slope that we have seen in other kinds of funding and we need to fix how people use these dollars. Home improvement money should pay for home improvements and adrp dollars, scarce dollars, they need to be used only for adrp. The city needs to tie income levels to adrp to households instead of neighborhoods where the housing is located.

[10:22:32]

[Buzzer sounds] linking income limits from adrp to the neighborhood leads to barriers for integration or lack of service for people in non-traditional areas.

>> Mayor Leffingwell: Thank you, Katherine.

>> Thank you. Danny saenz. And after danny will be melanie voigty.

>> I'm danny saenz and I've lived in austin since 1986. And I have been on

-- used a section 8 housing voucher since 1987. And every

-- my voucher gets renewed, I get recertified every january and every third year starting in september and october I start remembering that if I live at the

-- I start worrying about whether or not I'm going to be able to stay there at the place I've lived at in south austin since

-- I've lived there for 14 years. Am I going to have to move? And if I move I'm going to have a hard time finding an affordable apartment duplex like I've lived in since 1990? And it really does

-- because I hear the stories from some of my friends who have needed extensions because they weren't able to find a place that would accept their voucher. And so

-- and what I have to move

-- would I have to move back to corpus? This is where I've lived here since '86. This is my home now. I don't want to leave my home. I don't want to have to go to a totally

-- practically totally different place, you know. So that's really what I would stress that we need more affordable, accessible integrated housing. Thank you. And also thank you for the visitability ordinance.

[10:24:40]

>> Mayor Leffingwell: Thank you, danny.

>> Thank you, sir.

>> Mayor Leffingwell: Nellie voigty. Melanie is not here. Okay. Iwa selovitz? Albert metz? Iwa is here. Where is she?

>> Right here. Thank you, my name is iwa, I'm with adapt of texas. And like everybody else, our members with section 8 vouchers, including myself, I had wanted to move to a better transit hub and I had to choose between better public transit and accessibility because

-- and actually, I didn't even get into the neighborhood I preferred because when I was looking, even the places that

-- some places said, we used to accept section 8, but now we don't, but most places flat out said we don't. Like everybody said, source of income should not be a barrier to affordable, accessible housing. We think it was courageous to pass visitability and single-family housing, but if we put them in certain areas, like everybody else that if you had to take three or four buses, that would take all day and that makes no sense.

>> Mayor Leffingwell: Okay. Albert metz. I know albert is here.

[10:27:17]

>> My name is albert metz. I am with adapt and community now. I have section 8, but I've been having a hard time finding a place, and I've been looking since. But not all of the apartments take section 8 and I am still looking.

>> I've been looking since october and

-- can I say that

-- and he's had to do multiple extensions, but he's coming to the end of his last extension. And so sparky is one of the people that all of us that we know and he has been looking for housing, and this is a big, big issue, and

--

>> right now he's staying at a house in manchaca. I have to go four miles until he can reach the first bus stop. And there are no sidewalks. So this is the example that we've all been saying, and this is what he's experiencing. And there are many other people like sparky that are having to do this. They do it because they want to live out in the community and that's why we need more affordable, accessible, integrated housing. Thank you.

[10:29:36]

>> Mayor Leffingwell: Thank you, albert. Stephanie thomas. Is stephanie here? [One moment, please, for change in captioners]

>> the first thing I wanted to bring up in addition to what folks were saying is that I really hope that this con plan does not repeat last time's including of nursing homes as being listed as a type of housing. It is totally offensive that that was in last time around, and it is not housing any more than jails, shelters, hospitals or military barracks are housing. People may live there for a time but it doesn't belong in the con plan, and it doesn't belong in any housing planning. We should be planning for integration and away from institutional living. And I think that's what the visibility act is about and I think we need to continue that in other housing areas and to push for integration, and to that end I think that the city should pass an integration mandate for its housing funds, and that it should look at the scoring for funding for various projects to see that it promotes many of these goals. There are goals in the con plan that are not necessarily reflected in the funding systems for the various programs. I think that the focus needs to be on deep affordability, i.e. 30% and below median family income. People at those levels really have no choices. I think you've heard a lot of people talking about that, but I really want to stress that I think that there needs to be more aggressive requirements for downtown developers to provide affordable housing and deeply affordable housing, that is, and that they should be required to put some units in some of these highrises so that downtown isn't just a playground for the rich. I think that

-- we support the [inaudible] council, they're one of our best allies in town. And that I think

-- people talked about it a little bit, but when you have to take a bus from way out at the edge of town, which is where a lot of the affordable housing is, you're riding on public transit, it takes you almost all day to get in. Sparky talked about rolling for four hours to get to the end of the bus line and then you get into town and you're

-- I mean, then you get to the bus and you've got to ride it all the way downtown and do your thing and then you've got to get back, and rolling in the streets and so forth. So I mean, I think we need to focus our affordable housing in the downtown area, or close to downtown. I mean, what is downtown now? It's kind of a

-- you know, but anyway. I think that's something you should think about. So thank you very much for the opportunity to testify and we will have written comments later. Thank you.

[10:33:22]

>> Mayor Jefferingwell: Thank you. Louie Renteria? Is Lorri here? Renteria. Whoops, too late.

>> Thank you. Council and mayor, for the opportunity to speak. I've been here for about, oh, maybe 28 years talking about housing and homelessness. I am the former godmother to Homer the homeless goose, and unlike a lot of homeless people who don't have adequate health care and die on our streets every day, Homer has a top-flight veterinarian and he survived cancer of the head, and he's being housed by the Austin Zoo. We're celebrating his 26th birthday. So there is

-- for 26 years we have had organized homeless consumers and homeless people come into CDBG hearings begging for single room occupancy and affordable housing, and micro-units aren't going to cut it. WE NEED MORE SROs. We need housing first, low barrier housing. Nobody is providing that now. And I know, council member Cole and Riley's office are leading the charge. I'm doing some housing for homeless people, and while my housing advocates that do single-family are not real thrilled about having to share that money, you know, we've got to do something about people dying on our streets. So please make sure the majority of that money goes to people 30% and below mfi, and make sure that the

contracts

-- the bids that you put out are inclusive of no barrier, low-barrier housing first models. Thank you very much.

[10:35:24]

>> Mayor leffingwell: Thank you. Okay. Freddie gonzales. Freddie, you're signed up not wishing to speak but I understand you do want to speak. Is that right?

>> Yes.

>> Mayor leffingwell: Okay. And freddie is the last speaker I have signed up wishing to speak. So if I haven't called your name you might want to get on the list.

>> I'm freddie gonzales. I'm with the

-- texas, and greenhousing is very important to [inaudible] and is very affordable for me. I've lived there for like 20

-- 25 years. It's [inaudible]. It's centrally located, so it's very good for me. [Inaudible] and it's very affordable for us. So please keep it coming [inaudible] thank you.

>> Mayor leffingwell: Thank you. Ron cranston?

>> Hi, I'm ron cranston. I'm with the adaptive texas organization as well as the personal attendant coalition of texas, which is a project of adapt. I use an attendant who gets me up every day, gets me dressed, helps me with my toileting activities, helps me get something to eat. The folks that do this are vital to my existence, frankly, and I have one backup attendant who is recently having to leave housing because of the affordability issue. He's getting

-- the house is going to be sold for, we believe

-- he believes, for development. It's off south fifth. It's probably

-- you would know the house based on what it looks like, if you drove down there, it's by becker elementary. Nonetheless, he has to leave. What that means for me is I probably will not be able to

-- unless he find something on a bus line or something that he can use

-- a place where he could actually ride his bicycle or walk, he's 62

-- excuse me, he's 67 years old, I will probably not be able to use him as an attendant anymore. This is one of the

-- you know, the nuances of what affordable housing either affords or it does not afford folks, and, you know, as it's linked to transportation, you know, their work, that sort of thing. So I wanted to bring that up. I wasn't going to speak earlier but I think this was something that needed to be expressed, and I really appreciate you considering all of the things that all of us from adaptive texas and others have said about affordable accessible, integrated housing as we move into the decisions base for the consolidated budget. Thank you

-- and plan.

[10:39:13]

>> Mayor leffingwell: Okay, that's all the speakers I have signed up that wish to speak. If you did sign up and want to speak and I haven't called your name, now would be the time to come forward. Otherwise

I'll entertain a motion to close this public hearing. Council member morrison so moves, seconded by mayor pro tem. All in taifer say aye in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 7-0. So now we'll go to item no. 55, a staff presentation.

>> Good afternoon, judy plumber, office of real estate services. Item no.55 is a change in use in parkland. It's northeast district park

-- I'm sorry, northeast, metropolitan park owned by travis county. There is no other feasible and prudent alternative to the taking of this dedicated parkland owned by travis county, and they're all planning to minimize harm to the park has occurred. Compensation for this item is \$505,830.

>> Mayor leffingwell: All right. There are no speakers. The motion for approval was from mayor pro tem cole, second from council member spelman. And this is to what?

>> Close the public hearing.

>> Mayor leffingwell: Close the public hearing and approve. All in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 7-0. 6-0, council member martinez? Aye. So 7-0.

>> Thank you.

>> Mayor leffingwell: Brings us to 56, which is an appeal so, jerry, are you going to outline this for us?

[10:41:31]

>> If I could make a quick announcement regarding procedure. We do have an agreement from both sides to limit speaking to 30 minutes per side. I believe we'll start with the folks that are in favor of the late hours permit. And if there's anybody in the room, I've been asked to ask if there's anybody in the room who is in opposition to the permit, please meet me out in the lobby and we'll add your name to the list of speakers and the list for opposition.

>> Mayor leffingwell: Okay, so is there

-- is there anyone here who has a request for a postponement or raises an issue of standing? Seeing none, we'll go ahead and begin with that report from city staff. Was that your report?

>> Mayor and council, andy

-- review. The case wildfire before you today is appeal planning commission request, denial of a request for late hours permit. For the whether-up restaurant, it's not a bar. Case spc-2013-0405a. Excuse me. The restaurant is located at 1808 east cesar chavez street. The

-- it's been in operation for quite a while. The applicant is is requesting to extend their late hours permit only, to extend their hours until 2:00 a.M. They're also requesting a variance to land development code 25-5-146 b to allow parking within 200 feet of a property zoned or use of sf-6 or more restrictive.

There's no construction associated with this application. Existing zoning is cs-mu-co-np by ordinance 200-1214 on december 14 of 2000. The staff has recommended approval with the condition that the applicant installs additional landscape buffering is attached in the exhibits. The composite

-- development code except for the parking lot within 200 feet of a single-family which is addressed as a variance request.

[10:43:56]

>> Mayor leffingwell: Okay. Thank you. And so both sides have agreed to 30 minutes, for and against. So we'll start with the appellant who is kareem hajjar, and you have six minutes. The rest of the speakers on your side will have three. And then you'll have three minutes at the end to rebut.

>> Before we start the clock, can

-- since we had 50-something people take off from work, which is a big deal in man-hours, could we have them at least stand up? Everyone was really passionate about this, so before we start can I have everybody who is in fair of this who took time to come off work, just so we see how many people we're talking about at 4:00 p.M. On a thursday.

>> Mayor leffingwell: Okay. You got it.

>> Cole: Thank you.

>> Mayor leffingwell: You can start the clock. Six minutes.

>> Good evening. My name is kareem hajjar for the appellant. Whether up is a restaurant

-- whether up is a restaurant at 1808 cesar chavez, and the only way to describe it is that you're stepping out of 2014 and you're stepping into the roaring '20s. It's a place you'd go on a date or loved ones or go with friends for quiet conversation. When a mixologist asks you what you would like to drink, there's five items on the menu because 90% of the people let them do whatever they want. You tell them what you like and it just appears. The food is unbelievable. I'm addicted to the white fish crowcets, and the chef is well-qualified, coming from mulberry, jeffrey's and el chile. It's not just chips on a plant. We're talking about prince edward I mussels. This is real and plated very well. It's located on the northwest corner of east cesar chavez and chi can. When we look at the zoning map it's surrendered by cs. Commercial behind it, commercial next to it, commercial on the block behind it. It's in the sea of commercial services. This is our neighbor. Mr. Natural to the south, if you want to cash your check before you come over there's a place right across the street. And then nothing as far as you can see, and as far as you can see. To the north is a home that's released by whether up to buffer any of the other homes from the noise and parking that is going to be argued by my opponents today. I think that's extremely notable. I've never heard of a restaurant renting the house behind it to buffer the neighbors who are nearby. To date whether up has zero noise complaints. Zero. They've been open since may 2012. The boundary screening is one of the reasons, and there's oleander, bamboo fencing. The home is one of the reasons, screening requested by the city will also help with that. To that end there will be 18 new leland cypress, oleander and native yaupon trees that will be on the perimeter of the property, enclosing anyone from anyone on any street. To date there have been zero parking complaints. Zero. That's because it's not the kind of concept that brings in massive amounts of people. In addition, there's no parking on chican other than three spaces at the corner of east cesar chavez that are pay parking, but you can see the no parking signs that run down chican and the result of that is that nobody goes back into the neighborhood to park. I read in the complaint

-- I read in the backup materials some opponent saying that they're tired of the beer bottles. Whether up doesn't even

-- weather up doesn't serve beer by the bolts. If you order it

-- by the bottle. If you order it they're going to put it in a glass. During the process of the application the

city spoke very heavily about one specific neighbor, who lives across the street. They said, well, what about him? He's going to be really affected by this? Because his garage apartment window looks straight at the parking lot. It's been asked if this gentleman is related in any way to the bar. He's not. We didn't even know him, but we went and knocked on his door and he said, sure, I'll support you. So Adams wrote a letter, the most affected resident wrote a letter that he brought by

[10:48:52]

and delivered to us: He does not work for Weather Up. He's not affiliated with Weather Up in any way shape or form. I don't think he even realizes how famous he is now in the city. His name has been said so many times. I think this is the most powerful slide of the day. Everything in blue is zoned commercial services. The red are single-family buffer zones. The home that Weather Up rents in Adams Park is a long two-story structure that buffers noise. At the end of the day this is a quiet concept that serves high-quality food and high-quality cocktails to a crowd that is quiet, mature and lives on the east side. 75% of the customers walk or bike. There are nine employees, all of them living on the east side who walk or bike to work. This is an establishment that has become integrated into the community, and it would be a very sad thing not to support small business as it expands. I truly hope that you will allow for this conditional use permit for them to operate. I'm available for any questions.

>> Mayor Leffingwell: Okay. We'll go to our next speaker, Catherine Weather Up. Catherine, you have three minutes. Following Catherine will be Christina Kitrel.

>> Thank you for the opportunity to speak. My name is Catrin Weather Up, the proprietor of Weather Up. We've had a rewarding two years. The people before left numerous code violations. We spent almost a year clearing up and within Austin municipal offices. We then began the final process of building out the kitchen and installing a necessary

-- the very expensive grease trap. Our kitchen opened at the end of last year and is now running full force. Our sales are now in code with the city of Austin. We haven't received a single noise or parking complaint. We have been featured in publications ranging from GQ to Texas Monthly to the Austin Chronicle, which I see as a positive publicity for the entire neighborhood. I'm proud of our accomplishments and we all work very hard every day to maintain the high standards, and I do mean we. My entire staff lives in east Austin. The majority walk or cycle to work. We are a small family-run business with a dedicated staff and an extremely supportive neighborhood base clientele. In the three years my family and I have lived in east Austin we have seen incredible change, so I do understand the fear that the influx of businesses and people will alter the unique character of east Austin. I also do understand the need to preserve what has made the neighborhood special to long-time residents. That's why it's been so heartening to count so many neighbors among our regulars. We wanted to be in this neighborhood because of what it offered and because it fit our personality. We could have easily opened on East Sixth and had a much

[10:52:10]

[inaudible] distance, but we didn't. We wanted to be where we are. We want to continue to be part of this special neighborhood. We want the chance to become another landmark within our community.

Allowing us this change of use will not turn cesar chavez into sixth street. I say from experience this has been a hard, expensive and soul searching process that few will attempt. We're not asking for anyone to change their lives. We're not trying to change anything that we already do. We are simply asking for two extra hours a night to serve food and drinks to the customers or to the supporters and to those we have not yet had the pleasure of serving. Thank you.

>> Mayor leffingwell: Thank you. Next speaker is christine itrel,.

>> My name is christine kitrel and I'm the executive chef. I've been a chef for 16 years in austin, worked at jeffrey's mulberry before beginning the food program at weather up. I'm an east austin resident. My austin and I both our home near 12th, 13 years ago. We've seen many changes in the neighborhood but it remains a diverse place ethnically and economically. I'm grateful to the city council for help in preserving the diversity with the McMansion bill. Some smart change can be a great thing. The influx of locally businesses have made east austin a thriving location. I believe the fabric of what makes east austin so great. We are a quiet neighborhood bar and restaurant with lots of regular customers within the community. Many ride their bikes or walk or bring their children and dogs with them. We are even catering a wedding for two of our neighbors that are regulars this spring. We love our neighborhood and don't want to change what makes it so great. We want to continue to serve our community and be good neighbors. I truly believe that allowing us to remain open for two additional hours per day will not have adverse effects on the neighborhood or turn cesar chavez into another dirty sixth street. That is not who we are nor who we want to be. At the last planning committee meeting many hypothetical issues were addressed as possible problems, but that is all they were. They were hypothetical. Weather up has never received a single complaint for noise, parking or anything else. Two more hours of food and beverage service per day will allow us to hire more staff and pay them better wages. This change is also very personal for me. Being open longer hours will allow me to work a 40-hour workweek and four days which will give me an additional day with my husband and three-year-old daughter. Catherine is my boss. She invested in austin and is one of the most inventive people I've worked with. East austin, any neighborhood, city, needs entrepreneurs like her. Although the community board had not been reached directly by catherine, it's not because she doesn't care about the concerns with weather up or its hours. She is naturally shy, english and somewhat reserved. However, when anyone in the community has approached her for fundraising or donation she's extremely supportive. This year alone she has supported public radio, urban farms, the bar men's fund, the texas hill country food and wine alliance which generates money for scholarships and the waller creek conservancy. This is what people do when they're invested in the community. I thank you for your time and your support.

[10:55:33]

>> Mayor leffingwell: Thank you. Next is lucas dmitrio. Following lucas will be sam turner.

>> Good afternoon, I'm representing miguel. He couldn't make it today. This is a letter he wrote he'd like me to present. City council members, I was the general contractor, the remodeling of weather up two years ago. At the time I was a resident on chicon and second street. It's 1902, 2nd street for over ten years. I've personally seen the site go in and out of business in the past. It was cafe azul. Through rumors I heard the past businesses did not adhere to simple business practices and were forced to close. I always considered it a shame that such a pleasant spot was not being utilized in the immediate

community, instead it remained a dilapidated spot on the east spot. In working with catherine and her team I have seen the spot grow and thrive. Mrs. Weather up and her associates have displayed devout enthusiasm and are living their dreams by choosing to do business on this site. They have made every effort to upgrade the building and the area around it leaving no stone unturned. Though these improvements have created sophisticated and peaceful business for the neighborhood, catherine, and her employees are second to none and dedicated to profession and inspired to be a part of the community. They are true professionals and bring with them something the entire city and world can aspire to. By allowing them to obtain the late night permit you're not only help the employees, but you help the community. It is a beautiful site and a great place for friends and family to simply hang out on the east side and enjoy all that austin is. I'm proud to have worked with catherine and her team and watch the site grow and prosper. Please grant them the late night hours permit they've earned and deserve. Sincerely, miguel. I live on the east side on can bury and chicon. We moved down here, for the same reason, it's a community that has embraced us and it's also a wonderful place to raise a child. This is important to us and as an employee of weather up the last thing I want to see is my neighbor turned to dirty 6th. I don't need more college kids roaming my streets than already are. Thank you.

[10:57:52]

>> Mayor leffingwell: Sam turner. And following sam is michael palumbo.

>> Thank you, mr. Mayor, members of the council. I'm sam turner. I'm here to represent marcelo and josephine beara, the property in question. I'm here as their attorney, also as a native austinite, a product of oak springs elementary and lbj high school. I'm also a neighboring landowner. My wife and I recently purchased a house about a block and a half east of this site so I have a lot of hats on here. Mr. And mrs. Vera asked me to lease this property after the last tenant left in late 2010. I think they rightly consider this property to be sort of a flagship property of the east side and they take seriously a responsibility of picking a good tenant. They told me to take my time because they wanted me to find someone who was interested in becoming part of the east austin neighborhood, who would respect the neighborhood, respect the rules of the city of austin, and be austin. I looked for six months before I met a tall english lady who despite the fact she was from new york and spoke in an english accent was speaking austin to me. The concept she described smacked me as exactly what's going on in austin right now and her desire, I was struck by her desire to integrate herself into part of the neighborhood and really be local. Since they signed the lease they've been exemplary tenants and exemplary citizens of the east side. They've greatly improved the property, and added a kitchen which turns out some of the best things I've ever tasted but more importantly they're not just a business that's doing business on the east side. They are the east side. As has been mentioned every one of their employees lives between mlk and the river. A lot of the patrons live there. The owner walks to work. This is essentially the kind of business that we always say that we want in austin, local, funky, neighborhood oriented, unique. They're quiet, they follow the city's rules. They should get this very limited and very reasonable request. If we don't support them and they go the way of the last two restaurants to occupy this location I'm going to be asked to lease this spot again, and I got to tell you, the way things are going over there and the sort of people that still call the number that I have set up for leasing this property from two years ago, which I came to my son, it's quite possible that this property will end up being leased by a corporate interest. Its highest

and best use is still as a restaurant. It's got enough spice for a drive-through. The people here in opposition are probably going to talk about traffic. That's what their flyer says. If there's one thing I know will bring more cars, it's a drive-through in this location or a chain restaurant. It's an unintended consequence that I don't think has been anticipated by the opponents opposing this, that they could be bringing about the very thing that they are here to oppose. Thank you.

[11:01:04]

>> Mayor Jeffingwell: Thank you. Michael Palumbo? After Michael is Andrew Hunter.

>> Hello, my name is Michael Palumbo. I would like to express my support of the Weather Up restaurant near the intersection of late night and parking entitlements. The chef of Weather Up, Kristen Kitrell, is also a chef at a small restaurant I created over five years ago called Mulberry, which is located around the corner at 3rd and Nueces. I've worked with Christina the past couple years and in addition to being a great chef she's also a great person. She cares for her beautiful family that resides in the same community as Weather Up. And over that same period of time I've gotten to know Catherine Weather Up, who's been very supportive of us at Mulberry and of chef working with both of our restaurants, and I know that they both care a lot about the community, which Weather Up is in, and which they also live in. And I know they have the best interests of operating in a positive manner for the community and I hope you grant their request. Thank you.

>> Mayor Jeffingwell: Thank you. Andrew Hunter? Following Andrew will be Patty Aronson.

>> My name is Andrew Hunter. I have lived in Austin for 16 years. I'm a UT grad. I'm a small business owner. I have lived on the east side and owned properties since 2005. I've seen a lot of businesses come and go in this location. I was actually a big fan of Azul, a coffee shop that was there. I was not at all happy with the business that went in its place, called Shuck Shack. It was a disaster. It left quite a mess. Weather Up has been a real bright spot at this location. I think they've been wonderful neighbors. I actually own a house one block east of there. Never had any problems with noise, no traffic issues that I'm aware of. I think they're very, very respectful business owners, and they should be granted the permit. Thank you.

[11:03:34]

>> Mayor Jeffingwell: Patty Aronson, and following Patty the last speaker is Casey Kitrell.

>> I'm Patricia or Patty, either way. I've been an East Austin resident and homeowner for over 20 years. Been a part of the Chicano Arts community in this fantastic town for over a decade, and I have worked in our great city's restaurant industry for as long as I've lived here. Sometimes after a long PM shift I would love nothing more than to relax in a quiet calm place and share a beautiful and delicious meal with members of my neighborhood and my community. Weather Up is that quiet and perfect place, a gem of a refuge for someone who clocks out of her restaurant job at 11:00 p.m. on most nights. When I took over my parents' east side house, my father warned me that Austin was going to change. He was right. Nowadays when they visit, we drive around and I show them all the new and astounding growth, and we talk about how exciting it is that people from all over the world are moving here. Our friends, community and family present here today are as excited as well and please consider growing our

growing community and our

-- support our growing community and economy. Thank you.

>> Thank you. Casey kitrell? Last speaker.

>> I apologize, I probably shouldn't be the closer. I anticipated having to take my daughter tonight so I have no prepared remarks but I would second everything that the previous speakers have said and simply add that I'm also a resident of the east side for 12 years, that when I go to weather up, I'm grateful to have a grown-up place to enjoy a cocktail in my neighborhood. It's something that has been missing for a long time, and that obviously a lot of other people welcome. I would second patty's thought that this is a place where you frequently see other highly professional members of the service industry. I see the crew from bufalina in there, paul

-- but the overriding common denominator of anybody who comes to the place is the appreciation for things well done. So I understand there are issues with extending or changing a business's hours, but I think the bigger issue almost always is what kind of business do you want in the location? And what is the character of that business, and I think we've seen today that the character of this business is outstanding. These are people that choose their friends and neighbors carefully because they intend to be loyal to them. They've done that for two years and I hope that you'll allow them to continue doing that. Thank you.

[11:06:25]

>> Mayor leffingwell: Okay. Very good.

>> Cole: Great close.

>> Mayor leffingwell: Now we'll go to those speakers who are opposed to the appeal. Gavino vendors. Fernandez. All these speakers will have three minutes each.

>> Good evening, council, my name is gavino fernandez and I'm with el councilo and I'm here with our of the president of our neighborhood associates where this business is located. I remember to remind this council, remember buckets on cesar chavez? They asked for a two-hour extension, and you did the right thing and denied that. And those arguments against that are the same arguments we have for this particular case. The user is saying that most of the customers come walking and biking, if that's true why are we needing a variance for parking. The other concern we have is the proximity to children that go to school during the week at 7:30, 8:00 in the morning. This particular location is way inside the neighborhood, a far cry from ih-35. The precedent that it will set if we give a 2:00 a.M. Is unimaginable. The other issues that we have with this is the amplified music permits. This particular location, I don't know if they received one or not, but they had amplified music two or three weeks ago. And more sensitive to us is it reminds us of activity beyond 12:00. On 2nd street many years ago, the late officer, robert martinez, was killed in or around activities past 12:00 midnight. And these are the safety concerns that we bring to the table. We welcome the new businesses that are coming into our neighborhood. We welcome the new residents, welcome to our barrio, welcome to our home. The reason that it's quiet and preserved the way it is is because both of us

-- those of us that have lived there for many, many years have fought to keep that protected and safe for our barrio and for our children, and as you come into our neighborhood we strongly appreciate you to respect that. No business around this facility, the gas stations or none of that, stay open beyond

12:00 midnight. They all close. Cesar chavez after 12:00 becomes a very quiet neighborhood street. This is another reason that we also wanted a moratorium way back when so that we wouldn't be addressing case by case on cesar chavez. And I'd just ask this council to once again protect our neighborhood, protect our children. They do go to school on other days during the week. We welcome this business, and I hope they knew when they moved in that they didn't have zoning to go to 2:00 a.M. So they knew that. So thank you for your attention, and we hope you'll vote with the support of the neighborhood. Thank you.

[11:09:53]

>> Mayor leffingwell: All right. Angelica noyola is nex.

>> Hi, my name is and gel came noyola.

>> Mayor leffingwell: You got to be kidding.

>> What he's talking about right now is a facebook page for weather up and they had an event during sxsw. Being they have to close at midnight it ended at midnight and this is an event that had eight band acts acts, live acts. When they talk about how many people they can have on the premises, they can have 100-plus individuals there. Also they made a complaint about they don't have beer bottles. That's not true as well. If you have time, get on your facebook page and google theirs and you'll see. Right now we are known as the fourth drunkest city in the united states. That's not something that we should be proud of. We are number one, travis county is, another thing we should not be proud of, that we have more people drinking and taking alcoholic brction than dallas or houston. That's ridiculous. As I traveled down cesar chavez today I counted the blocks. 17 blocks between pleasant valley and ih-35. I counted 14 different bars. This must have been closed at midnight. If we allow them to be open till 2:00 in the morning we'll set a precedent for more bars to be set up in this neighborhood community. There are still residential homes there. I also feel that if we allow this we will be inviting restaurants to set up in the neighborhood under the pretense they are going to sell the majority of food, knowing that they intend later on asking for permits to sell alcohol and even into the late hours. It's not about how nice the owners are or how wonderful the food is. Our concern is safety and tranquility and the preservation of the quality of life for individuals who have been living in the neighborhood. Yes, we understand everyone needs to make a living and you who know me know I fight for affordable housing. I want people to have good jobs where they can support their families, but at what cost? We have to make sure that the residents' peace and tranquility is preserved. There is a school in close proximity. If you're serving alcoholic beverage throughout the day that could be a problem as well. It's nice to visit from the outside but I'm afraid to think how quality of life will change. Apd has an issue with what's going on downtown west of 35. To allow more bars to stay open that would cause a problem for them as we're under limited staff able to patrol each area and apd doesn't have the resources to hire more staff in that area. The facebook page itself is listed as a bar, not a restaurant. I googled it four different times just to make sure. Also, there was a comment about if we -- we don't allow the change to be until 2:00 a.M. That they're going to have to move out and we'll probably end up getting a fast-food restaurant. I can promise you and guarantee you that myself and others here who are against this 2:00 a.M., That we'll be here to fight any McDonald's, wendys or anyone else who try to come into the neighborhood because not only do we want peace and tranquility

but we don't want the fast food that's bad for our health.

[11:13:07]

[Applause]

>> mayor leffingwell: Thank you. Next speaker is bertha delgado. And just kind of fyi, we're not going to finish this case before our break at 5:30, which means there will be an hour, hour and a half, perhaps a little longer before we get to finish it up. I just want everybody to know that in advance.

>> Okay.

>> Mayor leffingwell: Go ahead, you have three minutes.

>> Thank you, council members. My name is bertha marie delgado. I am the president of the east town lake citizen neighborhood association. I'm also speaking in behalf of long time resident 1808 willow, paul hernandez. He is signed up as a speaker but unfortunately he can't be here today due to his illness. We are opposing it. The neighborhood is very concerned for the 2:00 a.M. As well gal

-- they pointed out everything I was going to say as well so I second them. We are faced with new development every day, and the owners that owner that property also have

-- are continuing to purchase more property in our area. They just did on who will I street that would become a restaurant. It's a washateria and a store called mr. Mac's. In two years that will be a restaurant. So things like this are occurring in our neighborhood, and as community members and leaders

-- us as community members and leaders don't know what's going on. It's a case by case issue. We come over here, we give a week notice to do outreach, contact people and let them know what's going on.

2:00 a.M. Is not a zoning that we are prohibited to even want on cesar chavez because we have to deal with everything on east sixth street. The scoot in that's located on

-- the house that's across the street has to deal with the noise ordinance till 2:00 a.M. Can you imagine that same type of noise that's going to be on cesar chavez if we allow it to 2:00 a.M. We

-- our crime rate right now is high. We are

-- our alcohol rate in travis county is the highest across the state. I don't understand what other factors does the council need to know that this is not a good choice for the neighborhood, period. I know cesar chavez is a busy street. They're a business, commercial. There's a lot of businesses coming in, but we do not need these bars to go to 2:00 a.M., Because it's not even about traffic. It's not even about classification. It's not even about if we can

-- if these people are genuine. It's about the zoning. That's what we're here for. 2:00 a.M., It's not going to be safe for us. We have peo sxsw that have died. We have people that were injured because they went down the wrong way, because there is no sign that says that that's a one-way. And we don't want any of that in our neighborhood. We don't want to deal with all of that. It's

-- at 12:00, if you go down and ride on cesar chavez like noyola said and he said, it is peaceful, it is quiet, everybody goes home and everybody goes to work and school the next day, whatever your business is.

If you do a 2:00 a.M. We will have after-parties, we will have people drunk in the street, we will have more pollution, more trash, and more burglaries. That's a crime rate that's going on right now. You all alarm

-- apd knocks on our doors and says that's happening right now. So we need to really look at this. Thank

you.

[11:16:44]

>> Mayor Ieffingwell: Thank you. Louie renteria?

-- Lori renteria?

>> Thank you, mayor and council. I'm with the east cesar chavez planning team and we voted our option back in december, I believe, or maybe january, and the

-- mr. Kareem never came to our planning team, so it was postponed, and we did meet with them. And again the team did not support the request. We just want to keep east cesar chavez a safe and calm street. We don't need any more bars. You're all about the viva streets, walking, biking and rolling, and we don't need any more bars. I tried to do a video because he really misrepresents

-- when he shows that land use planning map, it's true that every lot on cesar chavez is zoned mixed use. What that map doesn't show is the residential uses, and I'm giving you petitions that were collected by east cesar chavez, united east austin and her mano east austin. We concentrated on the areas around the bar. If this were a zoning case and a valid petition could be submitted, we would have 83% in opposition, which would kick to a super majority. Our concern is the precedent. We have las cokuelas was the resta supported. We support restaurants that want to support beer and wine with their food. The restaurant used to close at 2:00 a.M. On friday and saturday. Because of the number of residents in the neighborhood they're open till 3:30, and they serve beer and wine until 2:00 a.M. We are not opposed to restaurants that serve beer and wine until 2:00 a.M. If 51% or more of their sales is food. These people opened as a bar, and when they found out

-- when we filed complaints, they found out that, no, they couldn't have a bar. It doesn't have a dash one. So they had to spend money to install a kitchen in order to say that they're a restaurant. And believe me, as soon as they get this conditional use, that stays with the property. They've already admitted restaurants are having a hard time staying open there. Part of it is because of the parking and the traffic constraints. So if they go belly-up, mr. Vera is going to be able to open a bar, because that conditional use for alcohol, not beer and wine related to a restaurant, we're talking cocktail lounge, is going to follow the property. And then we're going to get a bar. So please, no more bars. Que viva east cesar chavez street. Questi questi on for you, council member riley.

[11:20:16]

>> Riley: I want to follow up on your last point about being opened

-- restaurants staying open until 2:00 a.M. And still serving alcohol. If

-- if this institution w able to satisfy that standard and were able to maintain more than 50% of its sales in the form of food, would you be

-- would the neighborhood be amenable to allowing alcohol sales

--

>> no, we don't want a cocktail lounge.

>> Riley: So you would be open to them selling beer and wine till 2:00, but just not cocktails.

>> Correct. And, you know, we have 16 blocks and 15 restaurants and bars, plus eight convenience

stores. So that is like two per block of alcohol sales in our neighborhood

-- in a 16-block area. That's way too much. No other neighborhood has to deal with two per block of alcohol serving businesses.

>> Riley: Okay. Thanks.

>> Mayor leffingwell: Sevino renteria?

>> Mayor, city council, my name is sabino renteria, I'm chair of the united [inaudible] falcon coalition and I'm also a lifelong resident of east austin. I've only been there 64 years, but, you know

-- going on 64. I don't want to rush it too fast. [Laughter] and

-- but, you know, I just got word from some of the residents that lived there next to the dog house, that the owner there are saying that, you know, now that, you know, they heard that weather up is going for 2:00 a.M. Drinks, liquor permit, that they're also going to go and try to get their permit for 2:00 a.M. You know, this is going to have that kind of affect. You know, bucket would be saying that, hey, why did we get voted out? Why don't we get to have our liquor permits go to 2:00? And it's just going to go right down the line, and I hope

-- our neighborhood plan is all based on planning where the

-- the intrains district was going

-- entertainment district was going to be 5th and sixth street and we're not going to allow that to happen to cesar chavez. And that's why I'm here. You know, I love that street. I grew up

-- I went to school on

-- the old palm school that's on cesar chavez. I used to play around there, the old hamburger place. It yooof

-- there used to be two drive-in hamburger places on cesar chavez, where I grew up at, and it's a shame that we're going to have people that are so intoxicated that they're going to be driving up and down those streets and causing accidents. And, you know, we already had a deadly accident there on 2nd street when there was

-- years back when a drunk driver lost control of the car and went up to where people were sitting on their porch and got injured. One person lost his leg. So those are the kinds of things that, you know, we really look out for, for our residents. We tell them, hey, we want nice restaurants, retail, a walkable neighborhood, and that's what we want. Thank you.

[11:23:45]

>> Mayor leffingwell: Thank you. Regina estrada? Regina will be the last speaker before we break.

>> Okay. Well, good evening. This is my first time here, and first and foremost I'm here at a mother, I live at 1907, my brother at 1905 benefit my maybe jennifer case man at 1903. We have discussed this extensively and no one has come and asked our opinion but we are very much opposed to it. I'm a mother, and this, as everyone has said, sets a precedent. I am looking at the future for my daughters. I'm a lifelong resident of austin. Both my parents are lifelong residents of austin, and I

-- I expect my daughters to be lifelong residents of austin, and this is their neighborhood. I come here as their advocate, what is going to be the best for them. You know, my biggest

-- one of our biggest complaints is drunk driving. What this really boils down to is when the people leave the bars at 2:00, drunk driving. Just about a year and a half ago the alley runs behind our house and

when they showed that picture, they show leo's tire shop. Well, there's an alley that runs right behind that, and about a year and a half ago someone

-- a drunk driver came down chicon, clipped a car, turned into the alley and ran in and took out the garage of my brother's backyard. His vehicle ended up in his backyard. The headlights of that vehicle were shining into my bedroom window. That

-- you know, as great a neighbor as they are, I really don't have complaints. Shuck shack, I can list the complaints, but at the end of the night when they close and the drivers are leaving they've been drinking, and, you know, drinking and driving always leads to accidents. When I came home on friday night, and my mom

-- south on chicon at the stop sign at the fire station, the bike lanes were blocked for drivers and the only establishment at 10:00 that was open was weather up. The patrons are blocking the bike lanes, and it's a triple affect. They brought the bike lanes, bicyclists end up in the street and the vehicles driving were having to share their lane when they have a block lane but they can't use it because they're blocked by vehicles. So 1901 might not have a problem with extending the hours of weather up, but 1903 and 1905 and 1907, we don't agree with it, and we're in very much opposition of it. So thank you.

[11:26:35]

[Applause]

>> mayor leffingwell: Thank you. Council member martinez?

>> Martinez: Mayor, there's still four minutes left before live music and proclamations.

>> Mayor leffingwell: I'm going by the clock on the wall.

>> Martinez: I'm sorry.

>> Mayor leffingwell: Two minutes.

>> Martinez: Can I make a motion and see if we can get through this in the next couple minutes?

>> Mayor leffingwell: It will take at least 30 minutes to get through, in my opinion.

>> Martinez: Because of council comments?

>> Mayor leffingwell: Well, I mean, there's another 15 minutes, almost 15 minutes' worth of testimony.

And

--

>> martinez: I thought you said

--

>> mayor leffingwell: And that doesn't include deliberation.

>> Martinez: I thought you said that was the last speaker.

>> Mayor leffingwell: No, no, we got four more speak rebuttal by

--

>> [inaudible]

>> mayor leffingwell: What

-- well, we still have

-- are all these speakers, solanino renteria, mayor yas, de leon, all going to give up their time?

>> Martinez: Yes.

>> Mayor leffingwso now we'll hear from the

-- we'll go ahead and try to get through this. We'll delay 15 minutes and see how it goes. Three minutes rebuttal by the

-- by the applicant.

>> Riley: Weather up

-- weather up understands and has heard these concerns by the neighborhood. They don't share them because they don't exist. And if you're going to present in front of the city council of austin, it's imperative that you speak in truths. Bucket deli was not here asking for a conditional use permit. They were here asking for a zoning change. Those are incredibly different. We need to speak in truths. There were two sxsw events. Weather up was closed for business by 8:00 a.M. Both evenings. Not that the events ended. It was closed for business. No one was there after 8:00 p.M. We're going to fight fast food and other restaurants, not if there's not a variance. The applicant

-- the appellant is buying more property around the neighborhood. False. This is it. This is what they do, weather up. We support late night hours permits if there's food involved. I find that one extremely amusing as it was her husband who called code enforcement and filed a complaint that we just cleared, because we do serve more than 51% food. Mr. Vera can open a bar. No, he can't. This is zoned cs. This is zoned residential. No, it's not. It's all zoned cs. I did hear one thing. As great of a neighbor as they are, and they are, there is your truth. As good of a neighbor as they are, that is correct. Weather up doesn't price their cocktails to be drunk in mass quantity.

[11:30:43]

[One moment, please, for change in captioners.] [applause].

>> Mayor Leffingwell: Councilmember riley.

>> Riley: I would like to be able to ask a question, but I know we'll run into time constraints if we're trying to wrap up.

>> Mayor Leffingwell: That's what I was trying to avoid was the appearance of being rushed in an appeal case which is very important to both sides of this issue. So we will just go a couple

-- a few more minutes and I'm not going to put them in that situation. We'll just wait so we can have a full consideration of the appeal. But you go ahead. Take all the time you want.

>> Riley: It won't take long, but there have been some issues raised and I think we should talk through them. One point that was made was that about the whole parking issue. The question is if people are really walking our biking, why do you need a parking variance?

>> We don't need a parking variance because of inadequate parking. The parking variance is a technicality variance, in order to have a late night hours permit, parking cannot be within 200 feet of residential. So this isn't a matter of weather up doesn't have enough parking

--

[11:32:50]

>> Riley: It's merely a matter of satisfying the code requirement.

>> That's correct.

>> Riley: What about amplified noise? There were concerns about having amplified outdoor music going

late at night? Do you expect to be seeking an outdoor music venue permit?

>> No. Weather up has a small speaker

-- let me get through it. Weather up has a small speaker that they have played ambient music. When it was brought to their attention that it was not compliant they haven't played music out of that speaker in six months.

>> Riley: So you would not be seeking a permit to have outdoor amplified music?

>> Correct.

>> Riley: One question that I heard from a couple of people was why

-- if it's important to weather up to have

-- to be able to stay open until two a.m., Then why would you have chosen a location in which you would only be allowed to go until midnight and knowing that there are neighborhood concerns about allowing alcohol sales beyond midnight, why would you have chosen this spot in the first place?

>> When weather up first opened, they anticipated having more of a happy hour clientele. Due to the demographics on the east side, there are a number of

-- and we had one speak

-- of service industry professionals who live on the east side. As a result at night you have a large influx of traffic around 11:00 p.m. As members of the service industry go home and then walk or bike to weather up. So it was said and some names were dropped, and they're all correct, it's very common to see the city's greatest chefs inside weather up because of the price of the food and the atmosphere that's there. The result of that has been a surprise to them. It was not anticipated. So the result is you have a very mature crowd who shows up at 11:30 because they just got off work. So for them it's their lunch. They would like to keep that business open for those patrons.

[11:34:58]

>> Riley: And a last concern was raised about the fact that a conditional use permit runs for the property. So even if we like this business and if we were to say, well, this business ought to be able to stay open until 2:00, the concern is if you were to shut down for whatever reason, that whoever comes and occupies this property after you, they may not be as good a mayor as weather up has been and they would be allowed to go until 2:00 and there might be problems associated with that. How would you address that?

>> The good news is that weather up has 18 years left on its lease and they're not going anywhere. Weather up would be willing to promise to forfeit in the event they didn't operate. We've offered the city a mechanism by which to forfeit the conditional use permit if it were possible so that in the event weather up ceased to operate it would be deemed forfeit. Even after tonight's hearing and it is successful tonight, that conversation will continue with city legal because I know we can do it. I have the mechanism. It came up so quickly we weren't able to solidify it before tonight's hearing, but it's not something that dies today, even if the conditional use permit is granted. But weather up is not going anywhere, it's here, going to be here and going to be here for a long, long time. In addition, while nothing is formal, the owner of the property and the owners of weather up have been in discussions to purchase not just their tract, but the entire tract. So that would allow for long-term sustainability of weather up in perpetuity.

>> Riley: Thanks.

>> Mayor Leffingwell: Any other questions? Councilmember martinez.

>> Martinez: I'm going to try to get through this. I know we're going to postpone for 15 minutes so we will need to start live music and procs, but it sounds like weather up is a great establishment. I've not been there, but I am familiar with it. When it was azul it was where I held my campaign victory party the first time I got elected and we had a great time. We left by midnight. And lori and phil and many others were with me that night. I live at haskell and chicon. I know the neighborhood very well. I still live in the neighborhood up on 11th street. You can get just as drunk before midnight as you can by two a.M. That to me is not an issue. The issue is do not want to extend into the two a.M. Hours. I believe we should create walkable neighborhoods where you can walk, have a drink, not have to get in the car and drive home. This is one of those establishments, but I believe there are limitations to that. And going to two a.M. Does set a different standard as it relates to being deep into a neighborhood. As you mentioned buckets came through and that was one of your cases as well. I supported that because they were trying to be an establishment that was integrated into the neighborhood and they imposed some restrictions on themselves. I think in this case if you

-- if you truly believe weather up is going to be there for the long-term and if they do have an 18-year lease, I would suspect they signed that lease knowing full well the entitlements that they had and invested in that kitchen, which I'm glad they did, because I think that was one of the problems with the two previous business plans is that there wasn't a commercial kitchen. But they did that all knowing the entitlements that existed. Again, I think they're more than welcome into the neighborhood. I have not heard anything about them not being welcome. It's just about how they operate and interact into the neighborhood. So simply with that in mind I'll make a motion to deny the appeal of the late night permit.

[11:38:52]

[Applause].

>> Mayor Leffingwell: Motion by councilmember martinez to deny the appeal. Is there a second? Seconded by councilmember morrison. Is there any discussion?

>> Cole: Mayor, I have a question. I have a brief question of staff. I heard councilmember riley say that the conditional use permit ran with the land, but I hear the applicant also offering to make provisions so that that is not so in the event that their lease expires. Is there a way to have a rollback provision for this conditional use permit in the event the applicant is not there?

>> Andy [indiscernible], planning development and review. No, ma'am. After talking with city legal and my director, mr. Guernsey, there's an actual land development code provision 25164 that says that the conditional use permit runs with the land. Also the city is not able to regulate a tabc as the conversation I've had with mr. Guernsey. They could do a private covenant of some sort with the neighborhood is my understanding, there was a willingness to do that, but the city cannot enforce that provision. We'll be glad to have more conversations with law about that, but that was

-- as of right now that's what we've been told.

>> Cole: So we're not at all involved in a private covenant between the neighbors and the applicant. And I understand, mayor, you want to go ahead and take a break in three minutes, but I would like to make a

substitute motion to put this on the table for consideration while we break. And it simply is going to attempt to recognize the needs of the neighbors and also the rights of the applicant, and really the future potential entitlements. And then I guess afterwards, lori, you have a comment to make?

[11:40:52]

>> I do. They offered that at our cesar chavez planning team meeting with about 50 people in attendance and we turned it down. The opportunity to do a restrictive covenant with the owners.

>> Cole: And did the planning team also consider

-- say, only open friday and saturday until two a.m.?

>> Yes, we considered all of our options. And they want to serve cocktails. Their primary business is fancy, schmany cocktails. They are not interested in extended hours. They have supported that at other restaurants. We don't have

-- we support our restaurants that want to serve beer and wine. It's the liquor and the mixed cocktails that runs with the property that we have a concern with. [Applause].

>> Mayor Leffingwell: Mayor pro tem, are you finished?

>> Spelman: Second.

>> Mayor Leffingwell: You second? What was the motion?

>> Spelman: The motion put on the table. I second the motion.

>> Mayor Leffingwell: Mayor pro tem, would you reiterate your motion?

>> Cole: My motion to put on consideration after further discussion after the break at this time is to limit the conditional use permit hours to only friday and saturdays and not at south by southwest until two p.m. From the existing 12:00 p.m.

>> Mayor Leffingwell: So substitute motion is to approve the permit for friday and saturday night

--

>> Cole: A.M.

>> Mayor Leffingwell: For friday and saturday nights only. And no

-- not at all during south by southwest?

>> Cole: Only until 12 during south by southwest.

>> Mayor Leffingwell: That's what I said.

>> Cole: Right.

>> Mayor Leffingwell: And you seconded that motion, councilmember spelman?

>> Spelman: I believed at the time I was seconding a motion to lay it on the table for further consideration after the break. Councilmember riley will second the motion, I believe. I beg your pardon?

[11:43:06]

>> [Inaudible].

>> Mayor Leffingwell: Let me just stop this. Without objection we'll lay this item on the table and stand in recess until seven p.m.

[11:52:22]

>> Mayor Leffingwell: Are you ready? Okay, folks, if I could have your attention. It's time to live music at austin city council. Our musicians for today are atlas maior. And I understand that means mayor in some language. We're trying to determine if it's dutch or one of those. So they're based in austin, texas. They map diverse musical traditions, middle east, european, northern, west and north africa as well as music, dialogue with one another and their unique sound is a balance of intimate moments of sincerity with powerful cinematic melodies and incendiary rhythmic passages. I wonder who wrote that. [Laughter] atlas maior's engagement with musical traditions from geographic locations worldwide speaks to one of the group's primary messages, you can't sense culture from a map. Words to live by. However, they believe that music reveals the real territory of human emotion and design. Please help me welcome atlas maior. [Applause]. [♪♪Music playing♪♪]

[11:56:28]

[music playing]

[11:58:41]

[applause].

>> Mayor Leffingwell: So what kind of instrument is that?

>> This is called a haluci flute and it's from china. It's a three chambered flute.

>> Mayor Leffingwell: It has chinese writing it.

>> That is correct, sir.

>> Mayor Leffingwell: Thank you. So if you want to take a couple of minutes to promote your group, tell us about where you will be appearing next, where people can buy your music, your website, all that kind of thing. The floor is yours.

>> Thank you, everybody. The song we just played is a composition called eda and that piece was inspired by our tour this past fall in instan bull, turkey. Also this piece was featured recently in the mayor concern biennial five that is a festival in morocco and it was featured in moroccan taxi cabs. [Laughter]

>> and we have some events coming up. We're playing a show on sunday the 30th at jennifer's garden, which is a beautiful amphitheater space on west 31st street. We'll be playing a show in conjunction with the austin global orchestra, which is a big world orchestra. And we're also playing april fourth at russian house, a friday, I believe. And we're playing at within on the 12th of april. And you can find our music online. We have

-- we're on all social media usual suspects. We have two albums right now available on cdbaby.Com. And if you can figure out how to spell it you can find us, atlas maior.

>> Mayor Leffingwell: Very good. And we have a proclamation for your band. It reads be it known that whereas the city of austin is texas is lessed with many creative musicians who is talent extends to virtually every musical genre and whereas our music scene thrives because austin audiences support good music produced by legends, our local favorites, newcomers alike. And whereas we're pleased to showcase and support our local artists, now therefore i, lee leffingwell, mayor of the live music capitol of the world, do here by proclaim march 27th, 2014 as atlas maior day in austin, texas. Congratulations,

guys.

[12:01:14]

[Applause].

>> Mayor Leffingwell: So could the friends and family of byron please come up? You're linda and you're going to say a few words? Yolanda miller? And you're christopher? Okay. Large group. Come on.

[12:03:37]

>> Mayor Leffingwell: So I'm presenting a distinguished service award posthumously for byron johnson who as all of us here know worked for the city of austin. I don't know how many years, but eight years. A familiar face here at austin city council. He worked in the contracts department, and we do a lot of contracts at council meetings and frequently councilmembers have a lot of questions about those contracts. And byron was always

-- he was a rock up here. He was knowledgeable and was able to answer all the questions even the most devious of councilmembers could come up with. [Laughter] so we all certainly liked him and respected him, and I can see from this group here that he was well liked, loved and respected by his friends and family. We will all miss might ron. So I'll going to read this distinguished service arecord in mexican-americanium for his devoted service during his eight year tenure as an employee of the city of austin, byron e johnson, cpm, was deserving of public acclaim and recognition as purchasing officer for the city, byron overcame many challenges in his efforts to support the city's goal to become the best managed city in austin

-- in america. Best managed city in austin, that was kind of

-- that's a slip there. Day-to-day supply and service operations, inner city procurement contracts and the recently completed multijurisdictional mobility fuel acquisition

-- that's a mouthful

-- are examples of the operations that fell under byron's purview. Regardless of the scope or scale of the procurement, byron could be counted on to balance the needs of his departments, the vendors and the community. He was known for his altruistic outlook, always putting the citizens' needs first. During his 39-year career, byron served 28 with the governments of austin, el paso and yuma, arizona. We're grateful and appreciative of his public service on behalf of austinites. This certificate is presented in recognition this 27th day of march in the year 2014. So now I want to have some of the friends and family come up and speak. And I think, linda, you're going to speak first?

[12:06:10]

>> Okay. Christopher.

>> Thank you very much. Christopher johnson. My father byron, he did work here for eight years this march. You know, he came to austin march of 2006 and I just remember him just really enlivening his spirit to have this change of pace to come here. So I've met a few people and I know I've not met all of y'all, but I really appreciate all of y'all being in his life and being his co-workers and taking the time to

look at things and in his voyage and journey that we do have. So thank y'all very much for the support. And he did love what he did and he loved helping to facilitate the cog and making everything as it should be, and everyone having a fair shake. So thank you very much.

>> Mayor Leffingwell: Thank you. [Applause].

>> Mayor Leffingwell: Anyone else want to say anything? Understandable. Well, we'll get a large group photo here first and we'll try to center around the screen behind us, tall guys in the back, see how many folks we can get in and maybe we'll get one with just the family.

[12:10:19]

>> Mayor Leffingwell: Now we have a proclamation in honor of million mile month and for those of you who didn't know what that was before this evening we're about to explain it to you. This has to do with of course health of our children, our most important asset. And the epidemic that we have in this country as announced by first lady michelle obama about three years ago in washington, d.C., I happened to be there in the speech where she made that announcement that she was launching a nationwide effort to combat this big problem that we have in the united states with childhood obesity. Things aren't like they used to be. Like back when I was a kid before tv and all that kind of stuff, before videogames and so forth, so much competition for a child's attention these days that in so much of those efforts are directed towards sedentary activities, this is something to change that around, change that. So I'm going to read this proclamation and then let steve amos talk a little bit about it. First I'm going to say it was my pleasure

-- what was it, a couple of weeks ago

-- to do a short psa spot, video spot, to help these guys promote their message? And I haven't seen it yet.

>> It's a great video.

>> Mayor Leffingwell: We're going to make arrangements to change that, but the proclamation reads, be it known that whereas sitting is the new smoking. How about that? With one in three children being overweight or obese and 80% of the american workforce being sedentary nsaid den terri jobs, now is the time to take a stand literally

-- boy, does that ever apply to my job. And to get active. And whereas million mile month is a one month challenge that encourages people to come together as one virtual community with the goal of walking, running, biking, skating or skateboarding one million miles and whereas million mile month will raise awareness and educate adults and youth to the dangers of obesity and the importance of a life-style focused around good mental and physical health. And whereas the city of austin is among the many corporate educational nonprofit and government groups statewide who are recruiting an estimated 75,000 participants for this inaugural million mile month. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do encourage all austinites to register and participate and do here by proclaim april 2014 as million mile month in austin. And I will say also that we are officially in a contest now with san antonio and dallas and houston to see who can get to that million miles the first. Steve, here you go.

[12:13:24]

>> Thank you, sir. First off, thank you so much to the mayor. The videos are great, by the way. And also to mayor pro tem sheryl cole who will be able to join us on april first, a kickoff at 10:00 a.M. And I'm going to

-- I'm not sure if he's in here right now, but councilmember riley who was wonderful in opening up so many doors. We've been involved in over a decade in working with educators and school kids. And we all know as the mayor mentioned a third of the gaze are obese or overweight. About this time last year our team was inspired by two austin events, south by southwest interactive where they talked about sitting is the new smoking. Us adults have issues too, right? But also amplified austin, last year two million, this year almost five million dollars were raised in 24 hours for the financial health of nonprofits. Well, can't we rally for a month? For the physical health of our community? Can't we work for the nonprofit sector government agencies, employees in that regard? That's the spirit behind the million mile month. On your time, walk, swim, bike, whatever it might be. A special shoutout to the city. Their employees have been great. Parks and recreation is going to be using it in their after school programs. And who would have thought that austin public libraries would be kicking butt, but they are. Their employees and also they're having special events at all of their different branches to get people physically fit because they care. And you can even go and get a walk run roll, a little card that they have. If you walk, bike to three of their little branches, you're entered into a contest. How cool is that? So we invite everybody to participate. There's three options. You can register online, enter your data, your information. We do now have san antonio, houston, the rest of the state, but we welcome you to join us april 1st at 10:00 a.M. Here at the plaza for a kickoff. And thank you very much, mayor, for this opportunity.

[12:15:29]

[Applause].

>> Mayor Leffingwell: So what fun we're going to have here tonight honoring esther's follies. I believe the first time I ever met this young lady here, and she doesn't remember the occasion because she was performing and I was just watching, but I was kind of

-- I was kind of shocked, amused and astounded all at the same time. We were on the corner of sixth and congress, and just a crowd of people around. And you did this act where you started pulling things out of your purse, and there was never any end to it. There was never any limitation on the size of whatever it was you pulled out of your purse. So esther's follies is and has been an austin landmark for years. It's the kind of place where when people come to austin to visit friends that live here, those friends take them down to see esther's follies. That's where you go to have a good time, have a few laughs. So it's my pleasure to read this proclamation in honor of esther's follies. It says be it known that whereas we're pleased to congratulate esther's follies in its 37th

-- 37th, incredible, season, making it our city's longest running comedy review and whereas founded a april fools day 1977, esther's entertains, locals, tourists alike with their witty, fast-paced show that combines comedy, magic and music. And whereas esther's political humor, let's not forget about that, keeps both sides of the political divide laughing and very tense, I might add, and the magician ray anderson's large scale illusions bring the sparkle of the las vegas strip to sixth street. And whereas esther's recently was named one of america's top comedy spots by travel and leisure and was featured

on npr's seen and heard. And whereas new esther's ventures include a partnership with the convention bureau and a viral video campaign encouraging people to visit austin, and an innovative comedy camp for kids opening this summer, now therefore i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim april 1st very appropriately 2014 as esther's folly's day in austin. Whoa!

[12:19:05]

[Applause]. So would you like to say a few words? I know you're never at a loss for words.

>> Thank you. I'm not going to say too much. But I think laughter is the new sitting. Everybody get right out there and laugh and it's good for your health. We've been going, thank goodness for austin being the place that we live because we've been going for 37 years down on sixth street, a very magical place. And we appreciate every

-- everybody who has come our brought friends or brought family or brought themselves down there because we're going to be there on sixth and red river hopefully for another 37 years. And right beside me here is cynthia wood, who is a multichacterred member of our cast and I'd like to let her talk.

>> I'm glad she said multichacterred and not multipersonality.

>> [Inaudible].

>> Hi, there, folks, my name is cynthia ethyl wood. A lot of people know me as cindy and ray anderson, our fabulous magician at esther's and friend, good friend and star, likes to call me little cindy doohoo only five foot two. And that being said, I have to say I've had

-- been very fortunate to have had so many years under esther's roof and to had so many great audiences all these years to give me the opportunity to do what it is that I love to do and to hone my skills and to create a whole lot of characters and a whole lot of fun. As shannon said, laughter is good medicine, it's the best kind. And so lucky to be a part of that every weekend. And who else gets a round of applause at the end of their shift? We are some lucky folks and we really appreciate austin. And I appreciate you, shannon. She's really the reason why esther's is here. She works so hard and is so dedicated to the theater, to the institution that it is day in, day out week in, week out, year after year. She's one strong momma.

[12:21:16]

[Laughter] well, anyway, who here remembers h ross perot? I want to tell you what, look here, look here, see, now, now. All right, all right, all right. I'm going to say one thing, all right? First of all, matthew mcconaughey did not come up with all right, all right, all right. That was me. I wrote that first, all right? All right? Let's get that clear. Now secondly, I just want to say I can tell just by looking at everybody here tonight that y'all sure did a mighty fine job keeping austin weird, I tell you what. And esther's is a humongous reason for that weirdness here in austin, I tell you what, very special. And you guys, you guys are some lucky dogs. I tell you what, having esther's follies here. Being the home of esther's follies. Love austin, love esther's follies, love shannon sedwick. And I'm going to tell you, I've got to scoot along because I've got a big

-- big event in big d, that is my wife is cooking me up a big dinner and I better get down on time or else we'll have a big divorce. Thank y'all so much. Big love to you and big thanks. [Laughter] [applause].

[12:23:18]

>> Cole: This is a proclamation for the austin junior league, who really need no introduction, but I will say it was founded in 1901 by mary harryman in new york city. Her efforts inspired volunteer participation throughout the nation. The junior league also has a shop located at ninth and red river, which is a resale shop, and I can tell you it's fabulous. In recent years the group has had a fund-raising project, the christmas affair, who raises

-- which raises approximately a million dollars a year that is given to the community. So now I will read your proclamation. Be it known that whereas established in 1934 the junior league of austin has served the austin community through volunteerism by the developing of potential women and providing trained leaders. And whereas austin junior league is one of the largest in the nation with more than 2400 members who annually provide 100,000 service hours and invest \$1,750,000 in other nonprofits and programs in our community. And whereas the junior league of austin also maintains its own signature impact program, coats for kids, food in tummies, aid for better classrooms, grants, the emergency fund, and done in a day program. And whereas poised to take on the challenges of a growing community, the junior league is building a new community impact center to allow the organization to make a lasting impact on austin for future generations. Now therefore i, lee leffingwell, mayor of the city of austin, do here by proclaim april 17th, 2014 the league of austin's 80th anniversary.

[12:25:21]

[Applause].

>> Good evening, councilmembers and fellow austinites. Thank you so much for allowing me to be here today to represent the junior league of austin. This year we celebrate our 80th year of serving our austin community. Founded in 1934 the junior league of austin is a nonprofit organization of dedicated women working hard to make austin a better place. As an organization we are committed to promoting volunteerism, developing the potential of women and improving our community through the effective action and leadership of trained volunteers. The junior league of austin has a reputation for innovation and commitment to the basic needs of central texas, including health care, housing, children's services, nutrition and education. Our organization has evolved in response to the changing needs of our community. And we've grown too. There were just 44 members of the league in 1934 and today our membership stands at over 2400 strong. I am honored to serve as the 80th president of the junior league of austin. The 20th president oversaw the first charity ball and fund-raiser to finance projects throughout the city. The 50th presidency saw the renovation of a property purchased by the league. And we continue to use that as our headquarters today. The 60th president led the league to pledge \$250,000 in five years of volunteers to expand the people's community clinic. These are some standout events, of course, and I'm bringing them up because their I am o

-- the impact of these events are still evident today, but the truth is most of the significant impacts that we make on our community today are done by the daily work that we do in our community. This year our membership will provide 100,000 volunteer service hours and the league will give \$750,000 back to our community and each dollar is tripled in value by our highly trained organized volunteers giving back.

In addition to supporting the area nonprofits, the junior league also has five signature impact programs. These highly visible programs include coats for kids, food in tummies, aid for better classroom, the emergency fund and done in a day programs. Our 80th year has involved many wonderful opportunities to reflect on the things we've accomplished and the women who have made this organization so successful for eight decades. But we are still planning seeds for our community impact. We are still empowering central texas women. For example, we have embarked on a capital campaign to build a new community impact center. The completed project will allow the league -- the league members to make lasting impacts on our greater central texas community for future generations. Thank you for supporting us over these last 80 years and we thank you for celebrating with us tonight of this important milestone. Thank you.

[12:28:30]

[Applause].

>> Cole: The american heart association was founded in 1924 as a national organization started by physicians in new york, boston and philadelphia. Its mission is building healthier lives free of cardiovascular disease and stroke. Its motto is learn and live. The chronicle of philanthropy presented the american heart association ranked as the fifth most popular charity nonprofit in america. It now focuses on outreach and prevention of heart disease. And now we'll read the proclamation. Be it known that whereas cardiovascular disease, including coronary heart disease and stroke are the nation's leading cause of death and leading cause of disability, plus childhood obesity as the top health concern among parents. And whereas regular physical activity can reduce cardiovascular disease risk and may increase life expectancy, but 50% of adults and 62% of children do not get daily vigorous physical activity. And whereas brisk walking for at least 30 minutes a day can help lower blood pressure, increase hdl, good cholesterol in the blood, control weight and control blood sugar through improved use of insulin in the body. And whereas the purpose of national walking day is to encourage americans to become more physically active by walking. We call on all citizens to commemorate this day by putting on their sneakers and walking. Now therefore i, lee leffingwell, the mayor of the city of austin, do urge austinites to work to improve heart health and reduce obesity rates by PROCLAIMING APRIL 2nd, 2014 as national walking day.

[12:32:04]

[Laughter] [applause].

>> I'll be very quick. By exercising for as little as 30's minutes a day you can reduce your risk of heart disease and stroke. Walking is the easiest form of physical activity and has the lowest dropout rate. It's a form of exercise that doesn't require a gym membership and can be worked into a normal day. A regular walking program can lower blood pressure, improve your cholesterol profile and prevent weight gain. Please mark you calendars FOR APRIL 2nd, NATIONAL Walking day, where employees are encouraged to wear their sneakers to work and take at least 30 minutes out of their day to get up and walk. It's a great way to raise awareness of the importance of physical activity and to give your co-workers a friendly push toward a healthier life. For more information please visit start walking now.Org. Thank you. [Applause].

>> I have one thing to say. I want to make sure that mayor pro tem and I go walking for 30 minutes on THE 2nd. [Laughter]

>> Morrison: I'll put that right there. So I guess I just want to start by saying if anybody says why do you love austin, chances are they're going to mention barton springs, they're going to mention the great people, they're going to mention our neighborhoods, and they're going to mention all the great local businesses that we have. And fortunately in this town we have the austin independent business alliance that really helps the strength of our local businesses. So I'm excited to be here today with rebecca melancon, and I have a proclamation because we have an exciting month coming up and a lot of different activities which I am sure you will tell us about.

[12:34:26]

>> I will.

>> Morrison: It says that be it known that whereas austin is home to a unique culture that is expressed and reflected by its local businesses. 73% of the businesses in our city are locally owned, comprising an economic power house that fuels a healthy local economy and whereas the austin independent business alliance has advocated for and supported the locally owned independent business community for more than 11 years and is celebrating local businesses this month and whereas all aiba members have events, specials, sales and more in store during april, along with special events planned in the ibiz districts around town, throughout the month. And whereas austinites can vote for their favorite local businesses in several categories and join in celebrating them during the presentation of the armadillo awards on april 24th. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim april 2014 as local business month in austin. Congratulations.

>> Thank you. Thank you so much. I want to thank the city council for this. It's a great recognition of the power house that local businesses in this city. We have an amazing array of fun things throughout the month going on for everybody in town. It's a lot of local businesses in austin. We have about 60,000 local businesses. And you can go to our website at I buy austin.Com and read about all the fun things to do, but one of the fun things to do is to vote in the armadillo awards. This is our first year of doing this and so far today actually I think about 11:00 it absolutely went viral. And we started getting tweets and retweets and all kinds of votes coming in. You can vote for somebody who is already listed or you can write in your own vote in 11 different categories. And then sign up to come to the armadillo awards. They're going to be on april 24th at alamo draft house on slaughter. So we have a fun evening planned for that as well. Thank you.

[12:36:46]

[Applause].

>> Tovo: Good evening, I'm councilmember kathy testify tovo and it's my pleasure to present this proclamation to chip. He was already serving on the technology and communications commission in place three and one of the always of a councilmember when he or she takes office is to make appointments to each of the commissions. So you have the option of continuing an appointee or making a new appointment. And I would say within the first week or two of taking office several people

reached out and said you have a fabulous commissioner on that commission and that is chip rosenthal. And you know, really meet with him and talk with him because he is dynamite and it would be a real shame to lose him from the commission. So I did learn more about chip and reach out to him and agreed that he was and has been such a tremendous value to that commission. So tonight I'm going to present this distinguished music award to him and then I'm going to invite my colleague, councilmember morrison, who has worked really closely with him because of the corresponding council subcommittee that we have. So she'll talk a little bit about her work that she's done with chip through the years. Distinguished service award, this distinguished service award is presented to chip rosenthal for his commitment, collaborative efforts and valuable input as a member of the community technology and telecommunications

-- telecommunications commission. Chip rosenthal is deserving of public acclaim and recognition. Chip has served on the commission since 2002 and held the positions of chair and vice-chair for many years of his tenure. Chip has contributed hundreds of hours to promote and grow programs to provide technology training and access to the underserved. He also led the community's efforts on the city's application that ultimately led to google selecting austin as its second site for a gigabyte fiber-optic network. G top city's public access television, open data and open government policy, community connections and the creating and hiring of city's chief innovation officer were all focus on which chip took a leadership role. This is presented for his dedicated public service this 27th day of march in the year 2007. And the certificate is signed by the mayor, lee leffingwell, and all of the councilmembers. So thank you, chip. And again I'm going to turn the mic over to my councilmember -- to my colleague, councilmember morrison.

[12:39:51]

>> Morrison: I'm your councilmember too. I serve everyone in the city. [Laughter] I asked if I could just say a couple of words because it's been so great working with chip over the years. I am the chair of the emerging technology and telecommunications committee and sort of that overlays but also because of our joint interest. I was going to touch on a couple of things that I have gotten to work with chip on that have been really, really successful and I think that's probably key to when you work with chip things end up being successful. One was mentioned the successful application for google fiber, you know, it was really

-- it's interesting because when it's been said, and I don't want to brag too much on austin, but it's been said if people want to know a model for how to have google be interested in you for, say, a google fiber application, take a look at what austin did. And it was a beautiful partnership. The city had to do a bunch of stuff and we did put together all the formal application and reached out in the form of liaisons, but chip was at the forefront of the community application which was immediately joining in partnership with u.T. And there were get togethers and there was a website that was up in no time at all and it was like where did you live and what do you want to do with it and everything. And that was really, really important to being able to exhibit the community enthusiasm that was an important element of it. And chip was totally behind that. So immigrateful for that because that has given google fiber is really cool opportunity for the city of austin. The second one I'm going to mention is maybe a little nerdier, but it's the whole open government push that we've had over the past few years. You know, open austin has

been really important and helping to open up the eyes of our government about making sure that we have all of our data as much as possible online and that we really try to put together the transparency and follow open government standards that even from the national level. Part of that discussion was about needing an innovation officer. That was sort tied into it. And guess what, we now have an open government resolution that is ready to be updated by our newly arrived innovation officer. So that too is really

-- I'm so thankful about you helping to push the city in the right direction and it's been a delight to work with you.

[12:42:20]

>> Well, thank you. [Applause]. E thank you, cowboys. Councilmembers. I see this as a recognition for not only my personal efforts, but also the groups I've had the good fortune to be associated with over the past 10, 12 years. And I'd like to mention some of the folks who have really shown a lot of interest in these initiatives and contributed a lot. Certainly all my fellow commissioners on the community technology telecommunications commission, booth past and president. I do want to recognize the supportive work of our mayor and city council and the emerging technology committee of city council. They've been really great in supporting us on our proposals. Also I want to mention rondella hawkins. I see john spears from that department sitting in back there and rondella if you are listening I hope you feel well soon. Also the city's ctm and pio departments have been very receptive to working with community on these issues. Finally I want to recognize some of the many groups that are out there doing the great work on behalf of the community. I've had the fortune to interact with such as austin free match, channel austin, [indiscernible] austin and my current passion, the open meetings act group. Although I've accepted down from the commission, I plan to remain active in technology policy areas. I'd like to say the best is yet to come, but that may be a little glib because we've had some pretty spec took cue particular accomplishments over the past 10 years. Take google fiber. Austin was one of 1100 cities that were applying to be the location of the google fiber network. Of course, I was disappointed back in 2010 when we weren't named that city, but when google had the kansas city network underway and they were ready to look at another site, they remembered our proposal about how austin could be a great gigabit broadband city. The google fiber rollout is now underway. Even though google has not yet even turned on their network, we're starting to see benefits of this initiative. Every single broadband provider in austin has responded with plans to upgrade their broadband offerings. All of us stand to reap enormous rewards from this, economic, social and cultural rewards from what is happening with gigabit broadband. Will these programs lead to a fully connected, digitally capable city? It's not clear that market forces alone will be able to achieve that goal. We should monitor the progress of the broadband build out. And if we identify areas of need, so-called broadband deserts, we should be prepared to respond. And when we do respond we should bring to bear the full set of tools available to us. I'd like to take a moment to dispel one commonly held misconception, and that is that texas state law prohibits cities from building broadband networks. That is not true. Texas state law does prohibit cities from building networks that provide regulated services such as phone and video. At one time that did cover broadband networks, but in 1996 the fcc reclassified broadband as an information service and at that point the prohibitions on broadband came out from underneath the state law. And so the city should it

choose to could address network building, network incentives when it identifies areas of need. In 2011 the city conducted a residential survey to assess the capabilities and needs in our community. This is something that should be repeated periodically and we are doing. City council has approved funding to do another survey this year. I'd like to suggest we take that a step further and the city should embark on a strategic digital opportunities initiative. Another area I've enjoyed working on is open government, open technology. By coincidence this week is the week that austin is kicking off its new office of civic innovation. That is something that I've had a role in advocating both through the commission and open austin. I'm hoping this new office will form a nexus between the many departments of the city and the many people and groups in the community that are interested in making the city more responsive, more inclusive and more effective. I urge the city council and the community to monitor the progress of this initiative and work to ensure that the community concerns are baked in, as the program develops. I trust commission chair williams will carry that torch moving forward. That's something that I'd like to pursue through my interest in open austin. So once again, thank you for this recognition. I really appreciate being recognized for this work, but even more I'm really grateful to live in a city that thinks that these technology issues are important. Thank you.

[12:48:03]

[Applause].

[13:06:17]

>> We're going to finish with this and by giving up their speaking time we would finish before the break. Since we did not do that, they would like to reclaim their time, and there's no objection from council, these are four individuals. Beginning with salana renteria. Salana, here? So, you have three minutes.

>> Hello, council members, mayor leffingwell. My name is salana renteria, I'm a lifelong citizen of austin, I live in the area, and my brother does too. I'm here to ask that a late hours appeal be denied and that the planning decision commission be upheld. I spent several hours obtaining signatures on the petition from residents who would like the planning decision to be upheld. I block walked for several hours on willow street between comal and anthony street. On willow the residentses back yards back into -- on east cesar chavez. Of the several residents I was able to speak to only one didn't sign. This is also true for the residents within 300 feet of whether up. 19 of the residents within 300 feet would like the planning commission decision's to be upheld. We heard they want to buy two large lots to the west of it so it's obvious they have expansion plans so even more neighbors would be impacted. Weather up's argument that this is an upscale establishment is not a guarantee that its clients will execute good behavior. If permitted it will execute another paver for other bars to do the same. Special exceptions don't make for good policy. On the neighborhood web site next door many residents voiced their concern. Elizabeth walsh says it undermines the fairness and predictability of the neighborhood plans in the area and sets a precedent that will bring unintended consequences. Carol stall said, the area is primarily residential, for working and retired people, who have long paid for the right to a peaceful safe place to live. Douglas messina said, weather up is putting their wants over the neighborhood's needs. Stone said I don't want bars open this late, holding the line what we have fought for and protected

many years is important. Frannie surratt said the small amount of parking for many bars in the area is insufficient. Cynthia valdez mafa jr. Said I don't want to see our neighborhood turning into the next sixth street. Martha asked any idea how to slow this down? Estrada said I'd like to have not overpriced bars that don't cater to the neighbor. The mayor's statement in the states man is that austin is ranked the 6th drunkest city in the state. I believe this is

-- this reflects poorly. The fact that the parking area for weather up is within 45 feet of a long time homeowners residence and within 125 feet of five additional residences is a compelling reason to uphold the sensible decision made by the planning commission. With all that being said I urge council to require a petition from applicants of at least 50% support of residents within 200 feet before allowing an application

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[13:09:54]

>> mayor leffingwell: Thank you, sal ana.

>> lewption use

-- occupational use permit.

>> Mayor leffingwell: Jim cart herer? Carter? Not here. Moreno? Gloria more rain on?

-- Moreno. Marcus de leon will be next.

>> Good evening. Good evening. I'm gloria moreno, and I am supporting the east town lake and all the other groups that do not want this weather up business to extend the hours past midnight. I have earned every one of my gray hairs, sir, mayor, as you have, I'm sure, and you know

-- and you know that people promise and want to wheel and deal, and they make promises, and I've lived long enough that I can see it go around in a circle, and the promises aren't kept or their broken because promises are meant to be broken. Contract or no contract. So I appeal to your humanity, to your sensibility, to your

-- think about the children, think about the elders, which I'm one of, and think about what this is going to do to us. And it's true. I shut down one big bar in pedernales neighborhood association about ten years ago. I got a lot of flak from the owners. But you know what? I stood tall. And I said city council is supporting me. I'm doing the right thing. So please, ladies and gentlemen, I hope you do the right thing. Thank you very much.

[13:12:11]

>> Mayor leffingwell: Thank you. [Applause] okay, marcos de leon, and since jim carter is not here, you have three minutes that you can assign to someone else to fill out your 30 minutes.

>> [Inaudible]

>> mayor leffingwell: All right.

>> Good evening, mayor, and council members, my name is marcos de leon, a member of the east austin neighborhood association, former county commissioner. I was trying

-- as I was sitting here I was trying to figure out what is the issue, what's relevant here, and what's relevant here is several things. One is the only, when they came and bought the restaurant, they knew

they didn't have the zoning for after 2:00. What's also relevant was the respect of all the business that exists there now, the respect they give to the neighborhood and their request to not go beyond 2:00. Those two issues are very clear. The neighborhood does not want this, because they see what happened -- they don't have to go to sixth street. They go to my old neighborhood rainey, and they see what's happened. The infiltration of bars, and they see what's happened to people who overdrink, and they've heard the deaths that occur when someone drinks, drunk. And that's one of the fears I think that drives the neighborhood to ensure that those bars do not go beyond 12:00, especially hard liquor. The public safety is a big concern of the neighborhood. There's schools, there's two housing projects that have a lot of young families, there's a lot of elderly who still live there, in three years. So that is a concern for the neighborhood. This is why they oppose

- nothing about the restaurant, nothing
- what's relevant is but one thing, and that is going beyond 12:00, to 2:00. By doing the sxsw in our neighborhood, everybody had a menu
- it seemed like and we were basically trapped in our neighborhood. Cars from 2nd street all the way down to holly. No one could get in, no one could basically get out. I live at 1702 can't your canturbury. And I drove around. There's an unintentional consequence and that consequence could be that. Several, and one of the deadliest ones is somebody getting killed because of a drunk driver. To me there's no price in that. Even though the bar was fined \$40,000 for what they did wrong, \$40,000 worth a life? No. That's one of the consequences
- I think that's one of the fears and concerns that the neighborhood has, that if we say it's okay and that happens, then we're part of that. You can't take
- you cannot take that away. So you have to think the relevant here is that there is no bar beyond 2:00 that serves that kind of hard liquor. And we've tried to control it as much as we can. Thank you.

[13:15:38]

>> Mayor leffingwell: Thank you, marcos. [Applause] there's another speaker, for three minutes. You don't have to yell, just walk on down and tell us who you are, please.

>> Good evening, mayor, and members. My name is susan bens. I am the sector 8 representative and the treasurer of the east cesar chavez neighborhood planning team. I'm here representing our planning team in with regards to a request from weather up for a late hours permit. The requirement triggers that the off-street parking is at least 200 feet away from single-family residences. Our team met on january 15 and voted to oppose the request for late hours permit. Our planning team is pro business. In the past we've supported late hour permits for other applicants in our neighborhood. An example being itilo's, which was 1606 east sixth street, where the restaurant key is now located. Also we worked for a long time, you might remember [chuckle] with charlie's, and ultimately we approved for them to have late hours and for them to have their full decibel limits and all of that open every night of the week. We worked with them and we helped them and they finally got to where they needed to go and they behaved really well after all of that. In the case of weather up, it's not about this business in particular, it's not about weather, I've been there, it's a nice restaurant, the food is delicious. It's about parking in front of single-family residences. People have been there a long time. They don't want the overflow after midnight, it's hard enough before midnight but after midnight it's just too much. So we ask for your

support. Please support us. Thank you.

>> Mayor leffingwell: Thank you. [Applause] council member morrison? May have a question for you, ma'am.

>> Morrison: Actually

-- is that all our speakers? I had question for staff.

>> Mayor leffingwell: There's additional rebuttal since we went back to the pro side.

[13:17:41]

>> Morrison: That's fine.

>> Mayor leffingwell: That's 30 minutes for the pro side and 30 minutes for the anti- s so since there's an interruption

--

>> I'll be brief. Thank you for your time and listening to us. We think we're a good user. We think we're good in our neighborhood. We'd like the opportunity to file a restrictive covenant to prove that and put our money where our mouth is. We hope you'll support us. We'll answer any questions regarding that restrictive covenant so we can show you we can alleviate concerns like parking and everything else we've heard tonight. Thank you guys very much.

>> Mayor?

>> Mayor leffingwell: Mayor pro tem.

>> Cole: Will you tell us what you have in mind, not that be anything to do with it. You've heard the concerns of the neighborhood. What private restrictive covenant are you contemplating?

>> A restrictive covenant can be unilateral. We don't need another party in order to enforce it. This could be something that an owner can do to his own property and would be enforceable by anyone affected by it. So any neighbor would have standing under it in the event of a violation. You have to be with the city or the neighborhood association. Anyone could do it who's effective. The restrictive covenant we would file would involve the expansion of the parking lot to add many more parking spaces. We'd be willing to restrict outdoor music, willing to restrict the nights of the week. Of course we would need to be complying with [inaudible] but we could include that in a restrictive covenant as well. We can ensure we're compliant.

>> Mayor leffingwell: Let me just say that we really have three options on this. We can deny the appeal. We can approve the appeal or we can modify it. In this case my understanding is that you could

-- you could put any modifications, things that would normally go into

-- if it were a zoning case, a CO or a restrictive covenant, you can put that in the modified granting of the appeal.

[13:19:59]

>> Cole: So, mayor, my question to you is that we had the representative from sector 8 express concerns about parking in front of single-family residences, and I share that concern. I would like to make sure that we take that into consideration. So we could actually incorporate into our motion a restrictive covenant covering that issue?

>> Mayor leffingwell: Well, you'd just call it a modified granting of the appeal. You'd grant the appeal with certain modifications to the request, yeah.

>> Cole: Okay. Thank you.

>> Mayor leffingwell: Council member spelman?

>> Spelman: I'd like to ask ms. Bens a question, if I could. Ms. Bens, the usual form of restrictive covenant is either with the city or with the neighborhood, and when mr. Hajjar suggested a restrictive covenant just with himself, you raised your hand and suggested

-- he suggested it would be enforceable if anybody noticed that he was

-- his client was not in adherence with it. I wonder if you could tell me what you have in mind.

>> Well, the concern I have about a situation like that is you pit neighbors against neighbors. It puts us in a position of having to, you know, call attention to it, find someone who's going to listen to us, and we just want to be good neighbors. We said to cooperate, but you make us a police officer by doing that and it's not comfortable. The other thing, why don't they go ahead and put all these things in place first and then come talk to us about late hours. Solve their parking problem now.

>> Spelman: So you're concerned about the

-- your concern is about the parking

-- is it actually people parking in front of other people's houses or is it

-- they're just

-- there's not enough room in the lot?

[13:22:03]

>> The code says to operate a bar you have to be more than 200 feet away from a single-family and they're not.

>> Spelman: Well, they can't fix that.

>> No, but they could find other parking.

>> So if they had sufficient parking on-site that would

-- that would dissuade your concerns?

>> Right, and they don't. They talk about buying the adjacent properties and solving the parking problems

-- they're talk being about all the things they could do. I'm suggesting they do those things and then come talk to us.

>> Spelman: Sounds reasonable.

>> Mayor leffingwell: I'm going to go out on a limb, council member and say, this is

-- to my knowledge it's not going to be like a restrictive covenant. The city would be the enforcer, if they

-- if you granted a modified appeal, the city would be responsible for enforcing the modifications to it.

But I'd like to get a confirmation, if you don't mind, of that. My understanding of that from

-- I don't see brent lloyd out there, but

-- there he is. You'll tell me I'm all wrong about everything. [Laughter]

>> brent lloyd, assistant city attorney. Mayor, would you mind reframing your question?

>> Mayor leffingwell: Well, the question

-- the question was, I framed it this way. The council has three choices. They can deny the appeal, of that

motion and a second is on the table now, or you could grant the appeal, or you could grant the modified appeal. You could grant the appeal with modifications. And my understanding of it, that would just be a important of the approved conditional use permit. Say, if you had conditions as to hours of operation or days of the week, et cetera.

>> That's correct. I think that it would be modifying the conditional use permit to include particular conditions, and I don't think, at least for the conditions that have been talked about, there's any need for restrictive covenants. They can be conditions on the face of the site

--

[13:24:06]

>> mayor leffingwell: A little bit different from an ordinary zoning case in that respect.

>> Cole: I have a question, mayor.

>> Mayor leffingwell: Council member spelman has the floor.

>> Spelman: I will only take another moment with it, mayor. Mr. Hajjar, ms. Bens just raised a very reasonable point, I think, that if

-- let me

-- let me back up. Her argument was that you're underparked right now, but some of the patrons of weather up have to park some other place in the neighborhood. Is that accurate?

>> We disagree with that, which of course is natural on our side. I think the proof is in the pudding in that, in that I've asked everybody, go drive it, go see it. There's no cars in front of these homes. I've driven it at every hour of the night to make sure that I wasn't standing up here and saying something that was untrue. To answer the question of building the parking lot now and then coming back later, we're currently parked on our site plan. We're actually overparked on our site plan, and they can't afford to build that parking lot unless they get the additional late night hours. The extra sales will pay for the parking lot, but they're willing to do it. They're willing to put their money where their mouth is, which means that for the additional late night hours they won't profit for a significant period of time while they build, while they pay back the money they borrowed from the bank to pay for the bark lot.

>> Spelman: Help me upside down this

-- it's a very small restaurant, a thousand square feet

--

>> 900 something. 900 something square feet. If you have 900 square feet at 4:00 in the afternoon and 2:00 in the morning, there's only a certain number of people you'll put in those 2

-- 900 square feet, it doesn't seem like you need additional parking for that, is that correct?

>> That's correct, but we're willing to build it anyway. We don't feel we have a, paing problem but we're willing to build it to show you we put our money where our mouth is.

[13:26:08]

>> Spelman: What ms. Bens was suggesting, I understand that, and I think that's a helpful thing for your long-term relationship with the neighborhood. If there's a way you can put your money where your mouth is. Let me make you a proposal. If we did not take action on this

-- on your request tonight and we gave you a short amount of time, 30 days, maybe 60 days, to give you an opportunity to put your money where your mouth is and to do something which would move -- which would show the neighborhood that you are willing to meet them halfway, t sure that you're mitigating the concerns they quite reasonably have, that you're going to be good neighbors, is there something you think you could do which would move the restaurant in that direction?

>> Can I

-- can I answer a question with a question? And can I direct the question to city legal.

>> Spelman: You are a lawyer, I know, that's what you do.

>> What I'd like to ask city legal, if possible, is if it can be approved, and what from what I understand it can be done with modifications to the site plan. If the cup would not be in effect unless a certain number of parking spaces were in existence then you could rent it tonight but it wouldn't be effective until we built those parking spaces.

>> Spelman: Seems reasonable to ask that to city staff.

>> Greg guernsey, planning and development review. You can certainly, based on what I understand of the site, there's probably room to add additional parking space. You could make it as a conditional approval. If he were to build it, though, if it exceeds a thousand square feet then it would trigger a site plan and we would have to go through and look at landscaping and 30 days, 60 days, would be, I think, a feat for them to come up with a design and for us to review and approve and then actually go construct.

>> Spelman: How many more spaces would you get on a thousand square feet?

>> I don't

-- [inaud [inaud ible]

>> well, at the most you can maybe get five. I mean, it's what you're looking at for

--

[13:28:09]

>> spelman: How many parking spaces do you have right now?

>> We have eight, that would take us to 13 parking space for a 900 something-square-foot restaurant.

>> How many tables are in the restaurant?

>> Five.

>> Five, plus some at the bar, 13 would probably cover it?

>> [Inaudible] patio.

>> Spelman: Thank you for the reminder, ma'am, and you also have a patio. You have tables on that as well.

>> That's included in the site plan.

>> So you've got

-- remind me again. You've got five tables

--

>> two tables on our site plan outside.

>> Spelman: Okay, so two tables outside, five tables inside?

>> No, only three tables inside.

>> Good golly, you are a small restaurant. And a few places at the bar. So 13 places at the bar would be

sufficient to cover. 10 at the bar.

>> Spelman: 10 at the bar. Probably not all driving their own cars. Even if they are you've covered it with 13 spaces.

>> Truly, [inaudible] percent walk or bike.

>> Spelman: Thank you. Greg? Let me be sure I understood you properly. If we were to grant some or all of what Mr. Hajjar's client is asking for we could ask that conditional on his increasing the number of parking spaces by a certain

-- parking spaces by a certain number first, right?

>> You could, correct. You could approve the conditional use permit with conditional uses that additional parking be provided.

>> Spelman: Okay. I'll yield the floor since I know other people have questions.

>> Cole: Mayor, I have a question for Mr. Guernsey, and I also have a question

--

>> Mayor Leffingwell: Mayor pro tem just to remind everyone where we are again, we have a motion to deny on the table with a second.

>> Cole: Okay.

>> Mayor Leffingwell: So we're discussing

-- well, I guess you can discuss anything you want to, but I just wanted to

--

>> Cole: I'm sorry, I forgot your name, the lady

-- was it Susan? Susan Bens. This parking issue is really disturbing me. You're very concerned about parking in front of single-family neighborhoods. Have you witnessed overflow parking in connection with this restaurant?

[13:30:22]

>> No, I haven't witnessed overflow parking myself. When I said I went, I parked in the parking lot. I was there very early, I'm not a late-night person, I actually haven't been to an actual bar in a long time.

>> Cole: But you're saying that for a reason?

>> Because in the land development code, it's sort of like

-- it feels like the only thing

-- the only hat we have is that it's against the code, because they're within 200 feet of single-family residences. It's the only sort of documentation that makes it

-- that gives us a larger voice. The bigger picture is that do we really need another bar that's open till 2:00 a.m. in our neighborhood? The answer to that is no. We already have 15 bars in our neighborhood, and, you know, you read in the paper businesses downtown who are trying to find alternatives, sort of have a

-- have different kinds of businesses come into downtown, and different kinds of businesses come on to Sixth Street so it's not all bars. They're coming into our neighborhood. So it's just sort of expanding, and we're a residential enabled. We don't need it.

-- Residential neighborhood. We don't need it. We've got enough.

>> Cole: Okay. Thank you for your testimony.

>> Okay.

>> Cole: Greg, can you

-- I understand this is cs zoning, which was the reason I put the motion on the floor, but can you explain the implications of the additional request for parking?

>> Well, with the conditional use permit, with your approval, you could add additional conditions, add some more spaces as part of this

-- from their request. It would be jint contingent to add additional sparking spaces if they wanted to add that late night permit. I've got a chance to look further at the site plan. There is some more room on the property. It looks like they've taken advantage of having a mixed use building, and so long as I guess they maintain the residential use as an apartment, and basically you could never reduce the parking down below the 60%, because of that mix, but they certainly have enough room that they could add additional parking spaces on this property. I'm not sure if they could get to the point where they could add five, as I had mentioned, because it looks like the driveway configuration would only maybe allow with the backup spaces and the parking, that that would be something I could do

-- an exemption, I might be able to get two, maybe three spaces in this, they could actually probably restripe to get some compact spaces in, to increase that number as well. But as I understand, this is only what we call a part a site plan. It's a land use plan. It doesn't actually provide for a lot of on-site improvements to enlarge the parking lot, so there's a limit to what I can do to exempt what they can do today versus expanding the site plan to put in more parking and then comply with landscaping and whatever else might be required for detention, filtration and the like.

[13:33:39]

>> Cole: Okay. Thank you, greg. You shed some insight. Mayor, I'm going to withdraw my motion in light of the testimony

--

>> mayor leffingwell: You haven't officially made a motion.

>> Cole: I thought we made a before we left.

>> Mayor leffingwell: No.

>> Cole: Motion to table. Okay.

>> Mayor leffingwell: Council member morrison.

>> Morrison: There's one important piece of discussion hasn't gotten on the table and I wonder if staff could help me. I had asked for information on

-- well, for a restaurant to be able to use

-- to be able to sell liquor and serve liquor without cs-1 zoning, they have to have 51% of their sales has to be food, no more than 49% liquor, and that's really important to keep it from really being a bar. And so I wonder if you could share with us the information you have, greg, about what those numbers are for weather up.

>> The information

-- I'm not sure if I've got

-- oh, on the back. Right now for the month of march

-- in january they did not meet that test

--

>> morrison: What were the numbers?

>> Guernsey: It was roughly 23% was food for january, 28%, approximately, for food for february, and march, and I don't know exactly what the date is up to, but I understand it's within the last day or two, they're about 52% right now

-- 50.1% right now.

>> Mayor leffingwell:51.08. Disploog yeah.

>> Yeah. I'm not sure what the tiki food is, but if you include that you might get higher, but it's about 51%. So they meet the minimum criteria to be

-- as far as the alcoholic beverage sales to food sales, would meet that criteria based on the information we have.

[13:35:40]

>> Morrison: And -- okay. I mean, to me this is very concerning. They've been operating as a bar. So I guess I'm not quite sure

-- was this just not drawn to your attention before?

>> Guernsey: I understand we just got this today, or maybe yesterday. Yesterday.

>> Morrison: And can you remind me, was there a code compliance complaint about operating as a bar?

>> Guernsey: Yes, as I understand, there was a complaint that was filed. I don't believe that investigation has been closed yet. Typically when you have a restaurant there are some other elements aside from the alcoholic sales, if they have a kitchen, have the menu. Obviously I think they have the kitchen. I'm sure they do have a posted menu, but I don't believe the investigation has been closed. I'm not sure if this same information has been given to code compliance, but with the city

-- my department certainly has received it in the last day.

>> Morrison: That's serious concern to me it's been operating as a bar and maybe they're trying to operate as a restaurant now, but to open up the hours

-- the late hours, my guess would be it would only accentuate that in terms of it not necessarily being such a high time for selling food. So I just wanted to share that with folks as to it being one of my major concerns. Did you have

--

>> guernsey: And council member, I understand code compliance does have this information. The numbers are acceptable as far as the ratio of alcoholic sales to food sales to satisfy that. They just haven't closed their complaint, I think just because it's been given to them so recently. Sounds like they received it at the same time we received it.

>> Morrison: Okay. I guess I'm a little confused. So 23% food is acceptable?

>> No, it's about been brought to our attention that the most recent numbers, because we're looking for compliance, so we would look to the month of march, and they are meeting the minimum requirement.

[13:37:49]

>> Morrison: Okay.

>> Guernsey: We're not seeking to go back to January or someday before but we're looking what are they doing now? Are they compliant today or not? And it would appear that they are compliant today.

>> Morrison: I guess it sort of depends on what they sell tonight. [Laughter] frankly. But anyways

-- I'm sorry for that, but to me

-- I just wanted to highlight that it really is, for me, it's been operating as a bar. Maybe they can go work things out, work on what their parking problems are, work on really becoming a restaurant instead of a bar, and look at it

-- at coming back again and working with the neighborhood to find something that's acceptable, but I just don't think this is the right thing for the neighborhood.

>> Mayor Leffingwell: Okay, so any further discussion?

>> Guernsey: Mayor, may I just note that if a permit is denied, a request

-- a similar request would

-- could not come back through my office and be brought back to the commission for a period of one year under our code. So I just want to make sure that is known so you have that information before you take any further action.

>> Spelman: Mayor?

>> Mayor Leffingwell: Council member Spelman.

>> Spelman: Follow-up to that. Mr. Guernsey? This is just like a zoning request. It is in effect a zoning request, and so that would be a year moratorium if they were denied. How long

-- if we were to

-- if some of us

-- some others of us probably don't believe this, but some of us believe that they might be able to cure at least some of their problems with their neighborhood within a year's period, how long could we postpone action on this case or otherwise not take action?

>> Guernsey: Well, you could certainly postpone action on this case. It's not uncommon to have zoning cases postpone up to

-- I think technically up to two months without having us having to renotify if you went

-- I think beyond that 60 days period, then I would be obligated to provide renotification if it was a time beyond that. But I don't believe anything would stop you from making a postponement if that's your desire to do so today.

[13:40:07]

>> Spelman: Okay, but 60 days would not require a notice. Anything longer than 60 days would require a renoticing.

>> Guernsey: That's correct.

>> Mayor Leffingwell: If it's 60 days you might as well postpone it indefinitely.

>> Spelman: Postponing it indefinitely would be the same thing as denial, it sounds like, because they would have to file another request.

>> Mayor Leffingwell: Just have to renotify.

>> Guernsey: We would have to he are notify

-- there's a limit to the time of the application itself, and what I don't know is when they

-- the application was filed, if your action is still left pending, the application would be still left alive. I would feel more comfortable actually if you postponed it for a certain period of time and we can come back. If there are some concerns that council has, you could give direction to myself or to the applicant and we could maybe answer some of the questions that have arisen tonight. So you might have -- be able to make a more informed decision if there was something else you want us to look at.

>> Spelman: Mayor?

>> Mayor Jeffingwell: Council member Spelman.

>> Spelman: I'd like to make a substitute motion. It seems to me that there is

-- the neighborhood makes a lot of very good points about not wanting to have

-- certainly not wanting to surrender East Cesar Chavez into Rainey Street or East Sixth Street. I

understand that. If 38th Street looked like it was turning into 36th I wouldn't be happy with that either. I

live very close to 38th Street. But this is a very particular case. This is a very, very particular restaurant, which doesn't behave like any of the other restaurants or bars I'm familiar with. The food they offer is different. The

-- what

-- what they're focusing their attention on something we don't see very often in Austin, Texas. I've never seen a bar quite like this in Austin, Texas. It's a bar, it's a restaurant. It's both of those things, it's perfectly okay. And it seems to me that some of the things that the neighborhood has been asking for, there is no way the weather up can possibly meet, but some of the things the neighborhood has been asking for, it is conceivable the weather up could meet. And at least I think it would be appropriate for us to give the management of weather up an opportunity to try and meet the neighborhood partway and see whether or not they can cure some of the rancor, which is understandably a rift between the bar and the neighborhood. So it seems to me that your suggestion, Mr. Guernsey, was that you would like

-- it would be easier from your point of view if we postponed to a definite period but it was beyond 60 days we may as well postpone indefinitely. So if I may take that as a suggestion, Mayor, I'd like to put forward a substitute motion, we postpone action on this for 60 days, specifically for the purpose of giving the weather up management an opportunity to work with the neighborhood and see if there's anything they can do. There are at least a couple things at the surface which maybe they might be able to do and it's worth the conversation.

[13:43:10]

>> Mayor Jeffingwell: I think it would be better to postpone to a date within 60 days. May 22.

>> Spelman: Sounds perfectly reasonable to me, Mayor.

>> Mayor Jeffingwell: Okay, substitute motion to postpone until May 22. Second by Council member Riley. Council member Morrison.

>> Morrison: I want to say I'm not going to support it because I really am concerned that it would be very important to have maybe a year's worth of data to be able to confirm that this really is up and running as an establishment that is legally a restaurant and, you know, a couple of months doesn't really bring you that. I feel like it would be entirely appropriate to just have them come back in a year and hopefully they could have a lot of work done. So I won't be supporting the motion.

>> Cole: Mayor?

>> Mayor leffingwell: Mayor pro tem.

>> Cole: I basically concur with council member morrison's assessment in the concern about how long it would take to actually establish the relationship with the neighborhood regarding their concerns for weather up to be able to do that would be longer than two months, and I also, as I said earlier, was particularly moved by the testimony about the parking issue in front of single-family residences and the belief that in this location the land development code grants them certain rights that won't be cured by a two-month postponement. So I will supporting the motion.

>> Mayor leffingwell: Council member martin?

>> Martinez: Likewise I won't be supporting t but for different reasons

-- supporting it but for different reasons. We saw when we took a break the tensions that are so high right now, and frankly I do not support some of the statements that were made and some of the actions that were taken by those opposing this appeal. I absolutely am not making this decision out of, you know, a passionate decision. It's just what I believe is not appropriate for this area of our community in a neighborhood. And because of those tensions I don't think postponing it 60 days is going to bring any kind of healing or agreements or bring either side closer to one another. I think after a year's time we could look objectively at the business model, and if it's proven to be successful as a restaurant then we can put those emotions aside and make a decision from a policy perspective whether or not it truly is a restaurant and whether or not it's worthy of the additional two hours that you guys are seeking. So I won't be supporting a postponement.

[13:45:41]

>> Mayor leffingwell: I would like to make a comment on that too, because I talked with one person in the audience after we went on recess, and apparently there was the impression that the council wanted to go on recess. No, the council didn't want to go on recess. We had to go on recess. The point was that we didn't want to hurry this case through without a full discussion, without giving everybody the opportunity and trying to do what we're doing and end the case before we absolutely had to go on recess would have had that effect. So it wasn't the council members who wanted to go on recess. It was perhaps some people who wanted to go home a little bit earlier. So that

-- those are the facts of the case, and I wanted you to understand that. I was surprised that there was that conclusion drawn. But certainly, as council member martin says, a sure way not to gain favor is to engage in bad behavior during our after the fact. So that

-- that does

-- definitely doesn't help. Council member tovo?

>> Tovo: Mayor, I won't be supporting the motion to postpone, and I wanted to just say a few words about that. I think

-- I did have an opportunity to meet with the applicant

-- or the owner, rather, and just very briefly to go by the establishment last night, and I want to say it does look like a really lovely place, and it did have a very quiet environment, and at least during the time I was there, which was admittedly early, it was before 9:00, parking really wasn't an issue. I think mine was the only car not in the parking lot. But it did seem to be parking all of the

-- all of those who were inside. However, I do agree with the neighbors who have said this really is in very close proximity to single-family residences, not just the one next door, which I understand is rented by the
-- by the owner, but the two
-- there are two houses right near it and just right in back of it. Catty-corner I saw signs that residential condos are being built, and it is, you know, right in very close proximity to several streets of single-family houses. And, you know, this is why we have our land development code and have identified areas for restaurants and have set some limits on what those
-- what those businesses should be there in close proximity to single-family residences. So I really do wish every success to weather up, but it seems like a really
-- a very nice and well-run establishment, and
-- but I cannot support the extension of the hours at this point.

[13:48:23]

>> Mayor Jefferingwell: Council member Riley.

>> Riley: I visited weather up recently too. My car

-- like a lot of people there I rode my bike and didn't use a parking space. There was ample room in the parking lot when I was there, which is indication to me if you're going to have a bar in the neighborhood this is about as good a bar as you can get. It's hard to picture a bar that would have fewer bar that would have fewer negative impacts on a neighborhood, that commits to having no outdoor noise, is willing to commit to being open

-- to

-- the nights of the week when it would have late hours, when it would be willing to provide all kinds of treatments of the perimeter of the property to address concerns about noise and then any other concerns the neighborhood would have. It's apparent to me this is a bar that is striving to be a good neighbor, and so it's disappointing to me that there hasn't been more progress toward some sort of agreement with the neighborhood that would represent something of a compromise that everyone could live with. This is a neighborhood that has a history of being reasonable and working with bars

-- well, with

-- with businesses in the neighborhood towards favorable outcomes, and given what we've heard about the neighborhood

-- about weather up's commitment to staying there over the long-term, I really am hopeful that there will be a opportunity to work on that relationship between the neighborhood and the business, because there's every

-- seems from the outside, it seemed like there's every reason why there could be a win-win outcome here, something that would work for the bar and actually make

-- be a good thing for the neighborhood. It could actually provide jobs to people in the neighborhood, as it does now. It would provide

-- actually generate less traffic than just about any other business you could imagine here. I heard somebody say that we would fight any other fast food business that went in, but the zoning of this lot, there are an awful lot of things that could go in on that lot that would not nearly as benign as this

business is, and I hope the neighborhood would recognize that, and over time I hope that there would be a relationship that could develop so that people could

-- there could be a level of mutual respect and working on that. I understand the concerns about the bars, and I've seen what's happened on east 6th, and I completely understand those concerns, but this really is not that situation, for the reasons we've heard tonight. And frankly, I also totally get the concern about drunk driving, but, you know, one way that you can minimize drunk driving is to actually enable people to have

-- to go to places nearby where they don't have to drive. That really is

-- is the best thing you could do

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[13:51:18]

[applause] you want to avoid that, because otherwise you have people from the neighborhood who have no option other than to get in their car and drive somewhere and of course then they really be driving home. This cuts down on that, provides an option that's nearby. I see that there's

-- it seems unlikely at this point that this motion is going to have the votes to pass, so for whatever it's worth I would like to offer what is a friendly amendment to the motion, instead of 60 days

-- or roughly 60-day postponement, to allow for an indefinite postponement in the hope that that might allow for a little more time to see if there's anything that could be worked out over time. And I'm under no illusions

-- I understand there are hostilities in the neighborhood but I recognize there are reasonable people on both sides of this and people who I think could probably recognize some mutual interest in working something out that could work to the benefit of both the business and the neighborhood. If a business really is going to acquire adjoining lots that is a very significant amount of property on a very important intersection for this enabled. And if you'd sit back and think about what would the neighborhood really like to see on this corner, you have an opportunity here to get the place that really would be a wonderful amenity for the neighborhood. A business that would be happy to work with you, to strive for something that could be something the neighborhood could be proud of, could raise the quality of life in the area and that residents throughout the neighborhood would actually appreciate. And so in a hope that that might be a possibility I'll offer a friendly amendment to do an indefinite postponement and we'll see how that goes.

>> Spelman: Chaotic but friendly.

>> Mayor Leffingwell: So the substitute motion is now modified to be an indefinite postponement. Is there any further comment before we vote on the substitute motion? So all in favor of the substitute say aye.

[13:53:24]

>> Aye.

>> Mayor Leffingwell: Opposed say no.

>> No.

>> Mayor leffingwell: That fails on a vote of 3-4 with council member martinez, tovo, morrison and mayor pro tem cole voting no. So that takes us to the main motion. Those in favor of the motion to deny say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no.

>> No.

>> Mayor leffingwell: That passes on a vote of 6-1 with council member spelman voting no. [Applause] and that takes us to

-- that completes our agenda. So

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>> thank you.

>> Mayor leffingwell: Without objection we stand adjourned at 7:55 p.M.